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AN ARTICLE

ON THE

“JAPANESE QUESTION”

PREPARED BY

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THIRTY-SEVENTH SESSION OF THE CALIFORNIA LEGISLATURE

1907

REPRINTED FROM SENATE DAILY JOURNAL OF JANUARY 29, 1907

Printed at State Printing Office, Sacramento, Cal., W. W. SHANNON, Superintendent.

ADDRESS OF SENATOR CURTIN.

SENATE CHAMBER, January 29, 1907.

The Senate having under consideration Senate Concurrent Resolution No. 6, upon which the Judiciary Committee, to whom the same was referred, by a majority report, recommended the adoption of the following:

MAJORITY COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

WHEREAS, The Federal Government is attempting to interfere with the management and control of the public schools of the State of California, by demanding the admission of Japanese children in the schools attended by white children in violation of an order of the Board of Education of the City and County of San Francisco, made in pursuance of the laws of the State of California, notwithstanding the fact that equal opportunities for education enjoyed by other children of Japanese residents in this State at public expense; and,

WHEREAS, In our judgment, such interference is without warrant of law and in violation of our constitutional rights as a sovereign State: therefore, be it

Resolved by the Senate, the Assembly concurring, That we, on behalf of the whole people of the State of California, do most strenuously protest against this unwarranted interference with our constitutional rights, and we respectfully request the Governor and Attorney-General to do all things necessary to protect and save the rights of the State of California in this most important matter, and we especially commend the prompt action taken by the Governor and Attorney-General to that end.

And the minority of said committee recommended the adoption of the following:

MINORITY COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

WHEREAS, The President of the United States is attempting to interfere with the management and control of the public schools of the State of California, in San Francisco, by demanding the admission of children of Japanese parents into the same public schools in said city provided for the children of white parents; and

WHEREAS, At the time of said interference it was a matter of public record that equal opportunities for the education of children of Japanese parents with those accorded the children of white parents for years past has been and is now provided for at public expense by the State of California; and

WHEREAS, Such interference is in violation of the sovereign rights of the State of California: therefore, be it

Resolved by the Senate, the Assembly concurring, That the State of California does protest against the said unauthorized interference with its rights as a sovereign State, and the Governor and Attorney-General of the State of California are hereby requested to do all things necessary in the premises to assert the sovereign rights of the State of California as reserved to it in the Constitution of the United States.

The question being upon the adoption of the minority report Senator Curtin spoke, in part, as follows:

MR. PRESIDENT:

The "Japanese Question," now agitating the American people from one end of this continent to the other, is a serious one.

While it is to be hoped that it will not cause friction between two hitherto friendly nations, it will have served a useful purpose, by call-

ing attention to the desire of "our strenuous President" to override the Constitution of the United States, in order to carry into effect an unwarranted assumption of power. The facts which have given rise to this subject may be summarized as follows:

Prior to the April fire which destroyed a large part of San Francisco, the children of Japanese parents attended the same schools in said city as did the children of white parents and no rule separating them or providing separate schools for said children has been made, but subsequent to said fire the Board of Education of San Francisco believed it wise to provide schools for the children of Japanese parents, other than those attended by children of white parents, and accordingly on October 11, 1906, a rule was made by said board, providing for such separation and requiring the children of Japanese parents to attend the separate school provided for them. This rule the Japanese resented and made complaint, which was officially transmitted to the Japanese Minister at Washington, and subsequently the Secretary of Commerce and Labor visited San Francisco to obtain data and views on the situation thus presented and in his report to the President under date of November 26, 1906, it appears that on October 11, 1906, when the rule complained of was made, there were ninety-three Japanese children who attended the various public schools of San Francisco, twenty-five of whom were born in the United States and the remaining number were born elsewhere. Subsequent to the making of that report by the Secretary of Commerce and Labor, the President under date of December 6, 1906, in his message to Congress, among other things, says:

"But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is willing to learn. * * *

"It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal sum-

marily with any such. Where the several states have power, I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole. * * *

“I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give the National Government sufficiently ample power, through United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is, something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed.”

After transmitting this most extraordinary message to Congress we find the United States District Attorney for this district called to the seat of the Federal Government to consult upon devising means to carry into effect the desire of the President as manifested in his message to Congress, and on January —, 1906, application on behalf of a Japanese child was made to the Supreme Court of this State for a writ of mandate to compel the admission of said Japanese child into the same school with white children and on the same day a bill in equity was filed in the United States Circuit Court in San Francisco to enjoin said Board of Education from enforcing the rule referred to, to restrain said board from preventing said Japanese child from attending said school, and it is to the law bearing upon these two proceedings that my remarks will be directed.

A construction of four provisions of the Federal Constitution is necessary in order to arrive at a proper understanding and decision of the questions involved, and those provisions are as follows:

Article VI of said Constitution provides that:

“This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.”

Article X, otherwise called the “Tenth Amendment,” provides:

“The powers not delegated to the United States by the Constitution, nor prohibiting, by it to the states, are reserved to the states, respectively, or to the people.”

Article II of said Constitution provides that the President

“shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur.”

The fourth provision is contained in the Fourteenth Amendment to said Constitution, which provides that:

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.”

In order to arrive at a proper understanding and appreciation of the legal propositions involved in this controversy, it is necessary that we review the historical conditions of our country which led to the adoption of the Federal Constitution so that we may interpret them in accordance with the intention of its framers.

In 1776 when war with England was imminent, when the Colonists realized that the form of government over them as prescribed by that country was becoming each month and each year more onerous, drastic, tyrannical, nay—almost brutal, it was never doubted that a God of Justice would awaken to their prayers and grant deliverance of those people from that form of government, and that with faith in God and a consciousness of the rectitude of their purpose, victory was sure to follow from their struggles. But freedom from England was not the all important question then agitating the minds of the Colonists, for, unless, when freed from England's rule, a form of government could be established by which the rights enjoyed by the Colonists could be preserved, then there would be no blessings flow from the sacrifices to be

made to secure that freedom. It must be borne in mind that at that time South Carolina had her slave laws, which were not granted to other colonies. Maryland had a charter guaranteeing religious freedom. Massachusetts had her own laws different from the other colonies, and so on with every other colony of the original thirteen. Not one colony could interfere with laws or rights enjoyed by any other colony; and while all desired freedom from the yoke of British rule, yet none were agreeable to part with the rights otherwise enjoyed, and with a view to the preservation of those rights, it was, in a Congress assembled in Philadelphia on October 19, 1774, for the purpose of issuing an address to the King asking an amelioration of the conditions under which the Colonists were then enduring:

“*Resolved*, 6. That they are entitled to the benefit of such of the English Statutes, as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their *several local* and other circumstances.

“*Resolved*, 7. That these, His Majesty’s Colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by Royal Charters, or secured by their *several codes of Provincial Laws*.”

When those petitions for amelioration and redress were unheeded and unanswered, or were answered by more severe and other impositions, then did those Colonists assemble at Philadelphia with a view of securing that freedom of thought and of action “and equal station to which the laws of nature and of nature’s God entitle them” and when secured, to have preserved to them that independence of each other, which they hitherto enjoyed, and desired to continue to enjoy, they drafted the Declaration of Independence, the concluding words of which are, “that these united colonies are, and of a right ought to be, free and INDEPENDENT states.”

On June 11, 1776, and before the Colonists would agree to the final adoption by Congress of that Declaration of Independence, it was resolved that a committee be appointed to draft “a form of confederation to be entered into between the Colonies,” and that committee was appointed and the work of drafting those Articles of Confederation began, and so apprehensive were the people of the several colonies that that *independence of each other and of the general government* might not be thoroughly and absolutely preserved, that it was not until July 9, 1778, that a satisfactory draft was finally completed and New

Hampshire was the first colony to subscribe to the Articles, which was done by her on August 8, 1778. Delaware never agreed to the Articles until February 1, 1779, and Maryland not until January 30, 1781, and the complete ratification by all the colonies could not be announced by Congress until March 1, 1781, so according to the history of our country we find that in its very formation the SOVEREIGNTY and INDEPENDENCE of each state was one of the pillars upon which the foundation of this government rests, for, as said the United States Supreme Court in *Ware vs. Hylton*, 3 Dallas, 224—

“The Declaration of Independence was of the independence of *each state*, and *not* the states *collectively*.”

And it was upon that declaration in the second Article of Confederation expressly provided that—

“Each state *retains its sovereignty, freedom, and independence, and every power, jurisdiction and right*, which is not by this confederation expressly delegated to the United States, in Congress assembled.”

Now the above article has an all important bearing on the question under consideration because it was the organic “law of the land” for ten years thereafter, to wit, until 1789. The necessity for further revision of those Articles of Confederation and for a complete and adequate Constitution for the Union arose principally out of the commerce conducted by George Washington upon the Ohio River, for while in carrying on that commerce each state through which his commerce was carried on demanded the right to levy a tax upon that commerce, and as such a condition was not contemplated by the framers of the Articles of Confederation and general dissatisfaction arose from the right of the different states or colonies to levy such tax, on February 21, 1787, Congress adopted a resolution in favor of a convention “to take into consideration the situation of the United States; to devise such further provision as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union,” and as a result of the adoption of that resolution the Federal Constitution was prepared and adopted and in the original draft there was omitted from the Constitution the *retention of state sovereignty*, but the same was submitted and reserved in the tenth amendment to the Constitution and adopted by the First Congress on

September 25, 1789, in and by which tenth amendment it was and is expressly provided that—

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

We, therefore, turn to the question of what is the meaning and proper definition of a “state” as used in the Articles of Confederation and in the Federal Constitution. We find the answer to that question given by the United States Supreme Court in the case of *Texas vs. White*, reported in the 74th U. S. Reporter, at page 721, wherein that court said:

“A state, in the ordinary sense of the Constitution, is a political community of free citizens occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit, which that Constitution designates as the United States, and makes the people and states which compose it one people and one country.”

And as said by the same court, in *Ableman vs. Booth*, 62 U. S. 523, that we have in this country—

“A complex character of government, and the existence of two distinct and separate sovereignties, within the same territorial space, each of them restricted in its power and each within its sphere of action prescribed by the Constitution of the United States, independent of each other.”

On September 9, 1850, California was admitted into the “Union upon an equal footing with the original thirteen states in all respects whatever,” and any power or right reserved to any of the original thirteen states is reserved to California. (114 U. S. 328.)

* Now, then, in order to comprehend the full scope and extent of the powers of each government, we must turn to their organic law, which, when in the light furnished in the Declaration of Independence, in the Articles of Confederation, and in the Federal Constitution, we find as said by the Supreme Court of the United States, in the case of *Ohio Life Insurance Co. vs. De Bolt*, 16 Howard, 428—

“That it will be admitted by all hands, that with the exception of the powers surrendered by the Constitution of the United

States, the people of the several states are absolutely and unconditionally sovereign within their own respective territories.”

In the case of *Collector vs. Day*, 78 (Wal) U. S. 124, it is said:

“It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the state government by their respective constitutions, remained unaltered and unimpaired, except so far as they were granted to the Government of the United States; that the intention of the framers of the Constitution in their respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: ‘The powers not delegated to the United States are reserved to the states respectively or to the people.’ The Government of the United States, therefore can claim *no powers* which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

“The general government, and the states, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme, but the states within the limits of their powers granted, or, in the language of the tenth amendment, ‘reserved,’ *are as independent* of the general government as that government within its sphere is independent of the states.”

We now turn to the all important question of *what powers were reserved to the states* in the second Article of Confederation while it remained in force, and which were reserved to the states in the tenth amendment to the Federal Constitution.

It seems now beyond question that the “police power” is one of the powers expressly reserved in the Articles of Confederation and in the tenth amendment to the Constitution of the United States.

The Supreme Court of the United States, in the case of *United States vs. DeWitt*, 76 U. S., page 43, held squarely that by the reservation to the states contained in the Federal Constitution, Congress has no power to make or enforce any rule or law which is in its nature a *police regulation*, the operation of which is confined to one state, as the police power when confined to a state, *belongs solely to the state*.

Again, in the case of *Patterson vs. Kentucky*, reported in the 97

U. S. Reporter, 503, affirming the doctrine laid down in the case just cited, the court said:

“In the American constitutional system,” says Mr. Cooley, “the power to establish ordinary regulations of police has been left with the individual states, and can not be assumed by the national government”: Cooley Const. Lim. 574.

It is confessedly difficult to mark the precise boundaries of that power, or to indicate, by any general rule, the exact limitations which the states must observe in its exercise; the existence of such a power in the states has been uniformly recognized in this court. (Citing many cases.) It embraced what Mr. Chief Justice Marshall, in *Gibbons vs. Ogden*, calls that “immense mass of legislation” which can be most advantageously exercised by the states, and over which our national authorities can not assume supervision or control, and as said by the United States Supreme Court in *Prigg vs. Pennsylvania*, 16 Peters, 625:

“To guard, however, against any possible misconstruction of our views, it is proper to state that we are by no means to be understood in any manner whatsoever to doubt or to interfere with the police power belonging to the states in virtue of their sovereignty; that police power extends over all subjects within the territorial limits of the states, and *has never been conceded to the United States.*”

This question arose again in the case of *Groves vs. Slaughter*, 15 Peters, 499, and upon it the Supreme Court of the United States again said:

“The genius and character of the whole government seem to be that its action is to be applied to all the external concerns of the nation, and to those internal affairs which affect the states generally, but not to those which are completely within a particular state.”

The United States Supreme Court, in the case of *United States vs. Knight*, 156 U. S. 13, said:

“It is vital that the independence of the commercial power and of the police power and the delimitation between them, however sometimes perplexing, should always be recognized and observed. For while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the states as required by our dual form of government. Acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run, in

the effort to suppress them, of more serious consequence by resort to expedients of even doubtful constitutionality. * * * The regulation of commerce applies to the subjects of commerce, and not to matters of internal police.”

In the *Dartmouth College Case*, 4 Wheaton 628, Chief Justice Marshall said:

“The framers of the Constitution did not intend to restrain the states in the regulation of their civil institutions, adopted for their internal government, and the instrument they have given us is not to be so construed.”

Having satisfied ourselves that the “*police power*” was never surrendered by the states to the Federal Government, we now turn to the question as to whether or not the education of the youth of our land falls within the “*police power*,” and if so, had the Legislature of California the right to enact Section 1662, Political Code, as follows:

1662. “Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years; *and provided further*, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years.”

The right of the Legislature to pass the law contained in Section 1662, Political Code, which provides for the separation of children of different blood, is settled by decisions upon that point rendered by every court having occasion to pass upon this question. When this question first arose it came before the Supreme Court of Massachusetts in 1849, in the case of *Roberts vs. The City of Boston*, reported in 5 Cushing Reports, page 198. The Court there said:

“The great principle advanced by the learned and eloquent advocate of the plaintiff,” said the Chief Justice, “is that by the Constitution and laws of Massachusetts all persons without distinction of age or sex, birth or color, origin or condition, are equal before the law. This, as a broad general principle, such as ought to appear in a declaration of rights, is perfectly sound. It is not only expressed in terms, but pervades and animates the whole spirit of our Constitution of free government. But when this great principle comes to be applied to the actual and various conditions of persons in society it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled, and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security. What those rights are to which individuals, in the infinite variety of circumstances by which they are surrounded in society, are entitled, must depend on laws adapted to their respective relations and conditions. Conceding, therefore, in the fullest manner, that colored persons, the descendants of Africans, are entitled by law, in this commonwealth, to equal rights, constitutional and political, civil and social, the question then arises whether the regulation in question, which provides separate schools for colored children, is a violation of any of these rights. * * *. The power of general superintendence vests a plenary authority in the committee to arrange, classify and distribute pupils in such a manner as they think best adapted to their general proficiency and welfare. If it is thought expedient to provide for very young children, it may be that such schools may be kept exclusively by female teachers, quite adequate to their instruction, and yet whose services may be obtained as a cost much lower than that of more highly-qualified male instructors. So if they should judge it expedient to have a grade of schools for children from seven to ten, and another for those from ten to fourteen, it would seem to be within their authority to establish such schools. So to separate male and female pupils into different schools. It has been found necessary—that is to say, highly expedient—at times to establish special schools for poor and neglected children, who have passed the age of seven, and have become too old to attend the primary school, and yet have not acquired the rudiments of learning to enable them to enter the ordinary schools. If a class of youth of one or both sexes is found in

that condition, it seems to be within the power of the superintending committee to provide for the organization of such special schools. * * * The committee, apparently upon great deliberation, have come to the conclusion that the good of both classes of schools will be best promoted by maintaining the separate primary schools for colored and for white children, and we can perceive no ground to doubt that this is the honest result of their experience and judgment. It is urged that this maintenance of separate schools tends to deepen and perpetuate the odious distinctions of caste, founded in a deep-rooted prejudice in public opinion. This prejudice, if it exists, is not created by law, and probably can not be changed by law. Whether this distinction and prejudice, existing in the opinion and feelings of the community, would not be as effectually fostered by compelling colored and white children to associate together in the same schools may well be doubted. At all events, it is a fair and proper question for the committee to consider and decide upon, having in view the best interests of both classes of children placed under their superintendence, and we can not say that their decision upon it is not founded upon just grounds of reason and experience and is the result of a discriminating and honest judgment."

That there may be good and sufficient reasons for the segregation of children of different blood from those of the American children, is well answered by the Supreme Court of Pennsylvania, in the case of *Westchester Railroad Company vs. Miles*, in the 93d American Decision, 747, wherein the court said:

"The danger to the peace endangered by the feeling of aversion between individuals of the different races can not be denied. If a negro takes his seat beside a white man or his wife or daughter, the law can not repress the anger or conquer the feeling of aversion which some will feel. However unwise it may be to indulge the feeling, human infirmity is not always proof against it. It is much wiser to avert the consequence of this repulsion of race by separation, than to punish afterwards the breach of the peace it may have caused. * * * The question is one of difference, not of superiority or inferiority. Why the Creator made one black and the other white, we know not; but the fact is apparent, and the races distinct, each producing its own kind, and following the peculiar law of its constitution. Conceding equality, with natures as perfect and rights as sacred, yet God has made them dissimilar, with those natural instincts and feelings which He always imparts to

His creatures when He intends that they shall not overstep the natural boundaries He has assigned to them. The natural law which forbids their intermarriage, and that social amalgamation which leads to a corruption of the races, is as clearly divine as that which imparted to them different natures. The tendency of intimate social intermixture is to amalgamation, contrary to the law of races. The separation of the white and black races upon the surface of the globe is a fact equally apparent. Why this is so it is not necessary to speculate; but the fact of a distribution of men by race and color is as visible in the providential arrangement of the earth as that of heat and cold. The natural separation of the races is therefore an undeniable fact, and all social organizations which lead to their amalgamation are repugnant to the law of nature. From social amalgamation it is but a step to illicit intercourse, and but another to intermarriage. But to assert separateness is not to declare inferiority in either, it is not to declare one a slave and the other a freeman—that would be to draw the illogical sequence of inferiority from difference only. It is simply to say that following the order of Divine Providence, human authority ought not to compel these widely separate races to intermix. The right of such to be free from social contact is as clear as to be free from intermarriage. The former may be less repulsive as a condition, but not less entitled to protection as a right.

“When, therefore, we declare a right to maintain separate relations, so far as is reasonably practicable, but in a spirit of kindness and charity, and with due regard to equality of rights, it is not prejudice, nor caste, nor injustice of any kind, but simply to suffer men to follow the law of races established by the Creator himself, and not to compel them to intermix contrary to their instincts.”

In the case of *United States vs. Bantin*, reported in 10 Fed. Rep. 730, a case of criminal prosecution against a school teacher for depriving the complaining witness of civil rights brought in the United States Circuit Court for Southern District of Ohio in February, 1882. the facts of which were, as stated in the opinion, as follows:

“It is charged that one John Bantin deprived James H. Vines and other children of Jacob H. Vines of a right secured by the Constitution and law of the United States, to wit: the right to attend the *only* public school situated in a certain district in Washington township, Clermont County, Ohio; said children being colored children of African descent, under color

of a statute of Ohio providing that the school boards of two or more adjoining districts may unite in establishing a separate school for colored children, and under color of regulation excluding colored children. The testimony showed that there was no school for colored children in the sub-district in which the prosecuting witness resided; the school for white children was situated about three miles from his house. The township board of education had established a separate school for the colored children of the township, under the provisions of Section 4008 of the Revised Statutes of Ohio which is as follows:

“ ‘When, in the judgment of the board, it will be for the advantage of the district so to do, it may organize separate schools for colored children. The boards of two or more adjoining districts may unite in a separate school for colored children, each board to bear its proportionate share of the expense of such school, which shall be under the control of the board of education of the district in which the school is situated.’

“The court charged the jury as follows: ‘The negro, under the national Constitution and laws, is invested with precisely the same rights that are possessed by the white race, and subject to the same duties, obligations and liabilities. The school which defendant was teaching was a public school, established and maintained with public money, to which every child, whether white or black, of that school district, had the right to go for instruction, unless some other school of substantially equal merit had been provided for them. It is, however, insisted that such provision had been made for the prosecuting witness. That there was such a school in that district for the education of the colored children is conceded. The Supreme Court of the state has held that such a classification of the two races is within the constitutional discretion of the Legislature, and that the separate education of the whites and blacks in accordance with the terms of the law is no wrong to either.’

“I concur and adopt this decision as a correct exposition of the Constitution.”

The case referred to by the learned Judge and adverted to in the opinion is that of *The State ex rel. Garnes vs. McCann et al.*, 21 Ohio, 210, and in which the Ohio statute quoted was before the court and was assailed as being in conflict with the fourteenth amendment to the Federal Constitution as denying the colored parents the “equal protection of the laws,” and to which contention the court said:

“For, conceding that the fourteenth amendment not only provides equal securities for all, but guarantees equality of rights to the citizens of a state, as one of the privileges of citizens of the United States, it remains to be seen whether this privilege has been abridged in the case before us: The law in question surely does not attempt to deprive colored persons of any rights. On the contrary, it recognizes their right, under the Constitution of the state, to equal common school advantages, and secures to them their equal proportion of the school fund. It only regulates the mode and manner in which this right shall be enjoyed by all classes of persons. The regulation of this right arises from the necessity of the case.

“* * * The question, therefore, under consideration is the same that has, as we have seen, been heretofore determined in this state, that a classification of the youth of the state for school purposes, upon any basis which does not exclude either class from equal school advantages, is no infringement of the equal rights of her citizens secured by the Constitution of the state.”

In the case of *Bertonneau vs. The Board of Directors of City Schools et al.*, decided by the United States Circuit Court in New Orleans in November, 1878, and reported in Vol. 3, Woods' Reports, 177, and which was an action in equity to obtain a decree restraining the board of directors of the city schools in New Orleans from enforcing a resolution adopted by that board requiring the separation of children of Africans from those of the whites in the attendance of the public schools and providing a separate school for the children of African descent and for a mandatory injunction compelling the admission of the colored children into the same schools with the children of white parents, the court said:

“The grievance, and the sole grievance, set out in the bill is that complainant's children, being of African descent, are not allowed to attend the same public schools as those in which children of white parents are educated.

“Is this a deprivation of a right granted by the Constitution of the United States? The complainant says that the action of the defendants deprives him and his children of the equal protection of the laws; and therefore impairs a right granted to him and them by the fourteenth amendment to the Constitution of the United States, and the act of Congress passed to secure the same.

“Is there any denial of equal rights in the resolution of the board of directors of the city schools, or in the action of the subordinate officers of the schools, as set out in the bill? Both races are treated precisely alike. White children and colored children are compelled to attend different schools. That is all. The state, while conceding equal privileges and advantages to both races, has the right to manage its schools in the manner which in its judgment will best promote the interest of all.

“The state may be of opinion that it is better to educate the sexes separately, and therefore establishes schools in which the children of different sexes are educated apart. By such a policy can it be said that the equal rights of either sex are invaded? Equality of right does not involve the necessity of educating children of both sexes, or children without regard to their attainments or age, in the same school. Any classification which preserves substantially equal school advantages does not impair any rights, and is not prohibited by the Constitution of the United States. Equality of rights does not necessarily imply identity of rights.

“These views have been held by the Supreme Court of Ohio, in respect to a law under which colored children were not admitted as a matter of right into the school for white children.”

When in May, 1896, the laws of Louisiana which provided that negroes should ride in separate coaches or cars from those occupied by white persons and an application was made to the State Supreme Court for a writ prohibiting the trial court from punishing petitioner, upon a charge of refusing by violence to comply with the law of Louisiana requiring colored persons to ride in cars provided for them and which are other than those in which white persons were riding in. The state court denied the relief sought, and the matter came before the United States Supreme Court on writ of error, 16 U. S. Rep. 1140, and in affirming the action of the court below, said in reference to the fourteenth amendment to the Federal Constitution:

“The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they

are liable to be brought into conflict, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced.

“One of the earliest of these cases is that of *Roberts vs. City of Boston*, 5 Cush. 198, in which the Supreme Judicial Court of Massachusetts held that the general school committee of Boston had power to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance upon the other schools. ‘The great principle,’ said Chief Justice Shaw, ‘advanced by the learned and eloquent advocate for the plaintiff (Mr. Charles Sumner), is that, by the constitution and laws of Massachusetts, all persons, without distinction of age or sex, birth or color, origin or condition, are equal before the law.

“‘But when this great principle comes to be applied to the actual and various conditions of persons in society, it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security.’

“It was held that the powers of the committee extended to the establishment of separate schools for children of different ages, sexes and colors, and that they might also establish special schools for poor and neglected children, who have become too old to attend the primary school, and yet have not acquired the rudiments of learning, to enable them to enter the ordinary schools. Similar laws have been enacted by Congress under its general power of legislation over the District of Columbia (Sections 281-283, 310-319, Rev. St. D. C.) as well as by the legislatures of many of the states, and have been generally, if not uniformly, sustained by the courts.

“*State vs. McCann*, 21 Ohio St. 210; *Lehew vs. Brummell* (Mo. Sup.) 15 S. W. 765; *Ward vs. Flood*, 48 Cal. 36; *Ber-tonneau vs. Directors of City Schools*, 3 Woods, 117, Fed. Cas.

No. 1, 361; *People vs. Gallagher*, 93 N. Y. 438; *Coon vs. Carter* 48 Ind. 337; *Danson vs. Lee*, 83 Ky. 49.

"Laws forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the state."

State vs. Gobson, 36 Ind. 389.

The same question again arose in the case of *People ex rel. Cisco vs. The School Board of Borough of Queens*, in New York City, and reported in 161 N. Y., page 598, decided in February, 1900, and it was again held that:

"If the legislature determined that it was wise for one class of pupils to be educated by themselves, there is nothing in the Constitution to deprive it of the right to so provide. It was the facilities for and the advantages of an education that it was required to furnish to all the children, and not that it should provide for them a particular class of associates, while such education was being obtained."

The order of the court below denying relief was affirmed.

Referring to the case just cited, the following article from the pen of C. C. Carlton, taken from the San Francisco "Call" of date, January 27, 1907, may be of interest:

"In connection with the President's interference with San Francisco's school board, residents of New York city and state, and particularly of Long Island, recall the attitude of Roosevelt when he was Governor of New York, and of the Republican state organization, which compelled the public schools to receive negro children as well as whites. The exclusion of negro pupils from the public schools set aside for white children had long been a source of irritation to the negroes, especially in Queens County, where the proportion of negroes to the population was larger than in most counties.

"Under the authority of the old law the local school boards had established separate schools for white children and refused to admit negroes. At the time that Roosevelt became Governor the matter had been in the courts for three years. A colored woman named Cisco, in Jamaica, Queens County, Long Island, supported by an association of negroes, contested the right of the school board to exclude her child from the white school. In order to secure the rights which the negroes demanded, State Senator Elsberg, with the encouragement of Governor

Roosevelt, introduced in the legislature a bill repealing the act which permitted school trustees to set aside separate schools for white and black pupils. The bill was bitterly contested by residents of Queens County, who objected to mixed schools.

“Governor Roosevelt, however, said at that time: ‘My own child occupied a seat next to a negro pupil in the public school in Oyster Bay and I saw nothing objectionable in it.’ The bill introduced by Senator Elsberg became a law and was signed by Governor Roosevelt on March 29, 1900, and it is now enforced in this state.”

In 1874 this same question came before the Supreme Court of California (*Ward vs. Hood*, 48 Cal. 417), and in which case applicant was a colored child of a colored citizen of the United States, and the court denied the writ of mandate and quoted from the Massachusetts case at length, and added:

“In the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense.”

Again in December, 1902, this question was presented in San Francisco when the child of a Chinese parent, named Wong Him, sought admission into the Clement Grammar School in that city and upon being refused sought an injunction in the Federal Court restraining the principal of the school from denying him admission into the school. Judge De Haven, before whom the proceedings were pending, in denying the order asked for, said:

“The bill alleges that all children irrespective of age and nationality, are permitted to attend said grammar school, with the exception of children of Chinese descent, and that the defendants exclude the complainant from the right to attend this school upon the sole ground that he is of Chinese descent, and claim the right to do so under the provisions of Section 1662 of the Political Code of the State of California, which gives to the trustees of school districts the power to establish separate schools for children of Mongolian or Chinese descent, and further provides that ‘when such separate schools are established, Chinese or Mongolian children must not be admitted into any other schools.’

“It is further alleged that this statute is in conflict with the fourteenth amendment to the Constitution of the United States, in that it deprives the complainant of the equal protection of the laws of California relative to his right to admission as a pupil into the public schools of the state. As I construe the allegations of the bill, there has been established in the City and County of San Francisco a separate school exclusively for Chinese children and children of Chinese descent, which the complainant can attend. It is not alleged that such school does not afford the same advantages in the matter of acquiring an education as is given to children of schools to which Chinese are not admitted. The sole ground of complaint is that the maintenance of separate schools for children of Chinese descent is a discrimination, ‘is arbitrary,’ and the result of hatred for the Chinese race.

“The validity of the statute referred to does not depend upon the motive which may in fact have actuated the members of the Legislature in voting for its enactment. Upon such an inquiry the courts have no right to enter. If the law does not conflict with some constitutional limitation of the powers of the State Legislature, it can not be declared invalid. Concerning the authority of the state over matters pertaining to public schools within its limits, and the validity of legislation of the character of that under consideration, it is well settled that the state has the right to provide separate schools for the children of different races, and such action is not forbidden by the fourteenth amendment to the Constitution, provided the schools so established make no discrimination in the educational facilities which they afford. When the schools are conducted under the same general rules, and the course of study is the same in one school as in the other, it can not be said that pupils in either are deprived of the equal protection of the law in the matter of receiving an education”: 119 Fed. Rep. 381.

In the late case of *Cummings vs. The Board of Education*, decided in October, 1899, and reported in 175 U. S. 545, the Supreme Court of the United States, speaking through Mr. Justice Harlan, said:

“We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by state taxation is a matter belonging to the respective states, and any interference on the part of the Federal authority with the management of such schools can not be justified except in the

case of a clear and unmistakable disregard of the rights secured by the supreme law of the land."

The action of the School Board of the State of Georgia, requiring the education of children of colored parents in different schools from those provided for the children of white parents, was sustained.

It must be assumed, therefore, that it is now settled that the "police power" of the states were never surrendered by the states to the Federal Government; that the education of the youth of our land falls within the "police power" reserved to the states; that in the exercise of that "police power," each state has a constitutional right to classify the children of all ages and sexes, color and race, and may provide separate schools for the children born of white parents, and for children born of colored, Mongolian or Japanese parents; we, therefore, turn to the question of whether or not Section 1662 of the Political Code, if in conflict with any treaty of any country, will fall, and the treaty prevail?

This question, we think, has been adjudicated more than once, by the highest court in our land.

The three cases known as the "License Cases," and which arose in the States of Massachusetts, Rhode Island, and New Hampshire, and were severally decided by the United States Supreme Court in one case, and resulted from the sale of liquors in each state in violation of the laws of such state, and where it was contended that the treaty obligations with foreign countries permitted the importation of the liquors mentioned into those states, and the laws of those states imposing certain conditions on the sale of those liquors were in violation of certain treaty obligations, Mr. Justice Daniels used the following language:

"This provision of the Constitution, it is feared, is sometimes expounded without these qualifications, which the character of the parties to this instrument, and its adaption to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the states to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that they were ever, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding must be within the legitimate powers vested by the Constitution.

Treaties in order to be valid must be made within the scope of the same power, for there can be no authority of the United State, save what is derived immediately or unimmediately and regularly, and legitimately from the Constitution. A treaty no more than an ordinary statute can arbitrarily cede away one right of a state or of any citizen of a state”: 5 Howard, 613.

Again in the case of *People ex rel. Attorney-General vs. Naglee*, decided in December, 1850, reported in 1 Cal. 233, which was an action wherein the complaint alleged that defendant had acted as a collector of license fees from foreign miners, and had exacted sums of money from different individuals who were foreigners, for the privilege of working gold mines in this State, and in which action was drawn into question the treaty between the United States and Mexico, and the court in a very learned and able opinion held that:

“First, as to treaties generally. Perhaps the most satisfactory mode of testing the validity of the law, under this point, will be to take the treaty with that power to whose subject as extensive privileges are granted by our country as to those of any other nation. We will, therefore, consider the case as if it involved our treaty relations with Great Britain, and under the supposition that a subject of the Queen of Great Britain was the person from whom the sum of twenty dollars had been exacted.

“By the fourteenth article of the treaty of 1794, known as (Jay’s Treaty), which was substantially renewed by Article I of the treaty of 1815, the subjects of the King of Great Britain, coming from His Majesty’s territories in Europe, had granted to them liberty freely and securely, and without hindrance of molestation, to come with their ships and cargoes, to the lands, countries, cities, ports, places, and rivers within our territories, and enter the same, to resort there, to remain and reside there, without limitation of time; and reciprocal liberty was granted to the people of the United States in His Majesty’s European territories; * * * but subject always, as respects this article, to the laws and statutes of the two countries, respectively. By his treaty our inhabitants whilst in the British dominions were to abide by the laws of Great Britain; and the subjects and inhabitants of that country, when in our territories, were to abide by the laws of the United States and by the laws of the respective states where they might be. The only question, then, under this treaty is whether the act of the legislature falls within the scope of the powers of a sovereign

nation, and, at the same time, is not included in the category of powers granted by the states to the General Government; for, if it falls within the former, and is excluded from the latter, then it is one of the laws which the treaty itself makes obligatory upon British subjects. But we have seen that the power of taxation, and the power of prescribing the conditions upon which aliens shall be permitted to reside in a state, are attributes of a sovereign nation, which have not, except in certain specific cases, of which the present is not one, been given up to the Federal Government. Our statute, then, is one of the laws or statutes to which the treaty by its own terms provides that the subjects of Great Britain shall be subject. * * * The act, then, is not repugnant to that treaty. But even if the provisions of the statute did clash with the stipulations of that or of any other treaty, the conclusion is not deducible that the treaty must therefore stand and the state law give way. The question in such case would not be solely what is provided for by the treaty, but whether the state retained the power to enact the contested law or had given up that power to the General Government.

“If the state retains the power, then the President and Senate can not take it away by treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a state law which enforces or exercises any power of the state not granted away by the Constitution.”

In further support of the constitutional right of our state to enforce its laws if the same conflict with a treaty where any of the provisions of the latter are beyond the legitimate province of the treaty-making power to adopt, we turn to the question of whether or not treaties “are the law of the land” when stated as broadly as is contained in the message of the President herein quoted from.

In 1881 Mr. Blaine, then Secretary of State, wrote the Chinese Minister at Washington that a treaty

“must be made in conformity with the Constitution and where a provision in either a treaty or a law is found to contravene the principles of the Constitution, such provision must give way to the superior force of the Constitution, which is the

organic law of the Republic, binding alike on the government and the nation.” (See Foreign Relations U. S. 1881, page 337.)

In 1886 Mr. Bayard, then Secretary of State, said:

“A treaty is, it is true, the supreme law of the land, but it is nevertheless only a law imposed by the Federal Government, and subject to all the limitations imposed by the same authority. While internationally binding the United States to the other contracting party, it may be municipally inoperative because it deals with matters in the states as to which the Federal Government has no power to deal.” (See Moore’s Digest Int. Law, Sec. 738.)

With reference to the sixth Article of the Federal Constitution, George Tichnor Curtis, author of Constitutional History of the United States (second page 544, cited in Butler’s Treaty-Making Power of the United States, Sec. 2647) says:

“It is a remarkable circumstance that this provision was originally proposed by a very earnest advocate of the rights of the states—Luther Martin. His design, however, was to supply a substitute for a power over state legislation, which had been embraced in the Virginia plan, and which was to be exercised through a negative by the national legislature upon all laws of the states contravening, in their opinion, the Articles of Union or the treaties subsisting under the authority of the Union. The purpose of the substitute was to change a legislative into a judicial power, by transferring from the national legislature to the judiciary the right of determining whether a state law supposed to be in conflict with the Constitution, laws, or treaties of the Union should be inoperative or valid. By extending the obligation to regard the requirements of the national Constitution and laws to the judges of the state tribunals, their supremacy in all the judicatures of the country was secured.”

In the case of *Whitney vs. Robertson*, decided in 1887, reported in the 124 U. S. Reporter, page 190, wherein was drawn into question the treaty of February 8, 1867, between the United States and the Dominican Republic (San Domingo Island), it was contended that, inasmuch as the treaty between the United States and the King of the Hawaiian Islands, made January 30, 1875, provides for the free importation into the United States of sugar and certain other articles, the product of

those islands, that as the San Domingo treaty which provides that no higher duty shall be charged for the importation into the United States “than are or shall be payable on the like articles, the growth, produce or manufacture of any other foreign country or its fishery” the United States should admit free of duty, sugar made in the San Domingo Islands; in other words, that under the “most favored nation” clause or words to the same effect, sugar should come into the United States from San Domingo Island free of duty; but the Supreme Court in deciding the case said:

“But, independently of considerations of this nature, there is another and complete answer to the pretensions of plaintiff. The Act of Congress under which the duties were collected authorized their exaction. It is of general application, making no exception in favor of goods of any country. It was passed after the treaty with the Dominican Republic, and, if there be any conflict between the stipulations of the treaty and the requirements of the law, the latter must control. * * * Congress may modify such provisions or supersede them altogether. By the Constitution a treaty is placed on the same footing, and made of like obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other.”

It ought, therefore, to be apparent that if Congress can, by a later act, supersede a treaty altogether, yet at the same time can not pass any act interfering with the exercise by a state of its “police power,” treaties are not always, and in all cases, the “law of the land.”

Having satisfied ourselves that the states reserve to themselves the “police power,” and that the education of the youth is within that “police power,” that the states within the proper exercise of that power may classify the scholars, determine the age during which they may attend, and provide separate schools for white children, and children of Chinese and Mongolian parents, provided each school affords *equal opportunity* of education for the children who attend them, and so do without violating any provision of the Federal Constitution, the question then remaining is, do the provisions of the said Section 1662 of the Political Code which provides for such separate schools, violate any of the provisions of the treaty between the United States and Japan negotiated and concluded on March 21, 1895, the first and second articles of which are as follows:

“The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

“They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

“In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind, to the succession to personal estates, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens and subjects of the most-favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of the conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

“They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

“The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

“Art. 11. ‘There shall be reciprocal freedom of commerce and navigation between the territories of the two high contracting parties.’

“The citizens or subjects of each of the high contracting parties may trade in any part of the territories of the other

by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreign or native citizens or subjects, and they may there own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them. and *lease* land for residential and commercial purposes, *conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.*

“They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most-favored nation, without having to pay taxes, imposts, duties of whatever nature or under whatever denomination levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind other or greater than those paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

“It is, however, understood that the stipulation contained in this and the preceding article do not in any way affect the *laws, ordinances and regulations* with regard to trade, the immigration of laborers, *police, and public security* which are in *force or which may hereafter be enacted* in either of the two countries.”

Now, when, in the “Japanese Treaty,” it was expressly provided, that the subjects “conforming themselves to the laws, *police and customs* regulations of the country like native citizens or subjects,” it must be assumed that the representatives of both High Contracting Parties *knew the settled laws of each country.* That so far as the United States was concerned, it is provided in Section 1, Subdivision 17 of Article I of the Federal Constitution that Congress shall have power.

“To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cessions of particular states, and the acceptance of Congress, become the seat of government of the United States and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful public buildings,”

and that by virtue of the above article, the "laws, police and customs regulations" of the Federal Government, *were limited to the District of Columbia and over such other places as might be ceded by the several states to the Federal Government*, as provided for in that article, for such has been the uniform decisions of the Supreme Court of the United States, many of which are cited in *Lowe vs. Fort Leavenworth R. R.*, 144 U. S. 528, and the places thus ceded to the Federal Government for uses of the Federal Government, not being open to settlement or occupation by any one, citizen or alien, it must be assumed that the covenants in the treaty, to the effect that the citizens or subjects of each country "conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects" shall have certain rights, were intended by the High Contracting Parties to be the "laws, police and customs regulations" prescribed by the several states under their several constitutions, for no one would for a moment contend that it was then contemplated, that all or any of the Japanese who would migrate to this country, would settle in the District of Columbia or in such other places over which jurisdiction might be ceded to the Federal government. Such places were not then open to settlement by any one. Therefore, it would seem clear, that if "Japanese" are included within the race known as the "Mongolian," it does not come with good grace for any subject of Japan to now seek to avoid the covenants of that treaty or claim the right to have his children enter the same schools with the children of white parents, under the "most-favored nation" clause; but if the "most-favored nation" clause could be invoked, the Japanese could claim no greater rights than are guaranteed to American citizens and the children of American citizens are subject to all the "laws, police, and customs regulations" of the State of California. Such has been the uniform decision of the courts of this country.

The question as to whether "Japanese" are included within the race known as the "Mongolian" is a question for legislative expression and definition, and in the absence of such expression and definition the determination is one to be arrived at in the judicial proceedings in which the question arises, for as said by the United States Supreme Court in the case of *Pelssy vs. Ferguson*, 16 Sup. Ct. Rep. 1138-1144:

"It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished

from a white person, is one upon which there is a difference of opinion in the different states; some holding that any visible admixture of black blood stamps the person as belonging to the colored race. *State vs. Chavers*, 5 Jones (N. C. 71). Others that it depends upon the proportion of blood. *Sray vs. State of Ohio*, 4 Ohio, 354; *Monroe vs. Collins*, 17 Ohio St. 665. And still others that the preponderance of white blood must only be in the proportion of three fourths. *People vs. Duçan*, 14 Mich. 406; *Jones vs. Com.* 80 Va. 544. But these are questions to be determined under the *State laws*, and are not properly put in issue in this case."

In conclusion it is respectfully submitted:

1. That we have in this country a dual form of government—a Federal and State government.

2. That within the sphere of their respective powers each government is sovereign or supreme and independent of each other.

3. That while the President of the United States has "power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," that treaty-making power can only be exercised within the constitutional authority granted by the states to the Federal Government.

4. That if a treaty in any of its provisions, conflict with the Constitution of a state, and said portions of the treaty so conflicting be not within the constitutional authority of the treaty-making power, the provisions of the State Constitution control.

5. That the police power of each state has never been surrendered by the states to the Federal Government.

6. That as California was admitted into the Union on an "equal footing" with the original states, any power reserved to those states is reserved to California.

7. That within the police power reserved to the states, is the authority to provide for the education of children.

8. That in the proper exercise of that power, the Legislature may classify the children and provide for the separation of the children of the white race from the children of Mongolian, African, Japanese, or other race, provided that equal opportunities for education of each class is provided for in such separate schools at public expense.

9. That the treaty between Japan and the United States, the contracting parties covenants to conform the subjects of Japan, while here,

to all the “laws, police, and customs regulations” which may be then in force or hereafter enacted in the country where the subjects may reside.

10. That the Japanese subjects here are stopped by that treaty from in any manner complaining of the *police* laws of California constitutionally enacted, unless it be contended that Japanese are not “Mongolian.”

11. That if the Japanese race be not included in the “Mongolian” race, then the order made by the Board of Education of San Francisco providing for separate schools for the children of the Japanese race, is a valid police regulation of said city, and made within the constitutional authority of that body and which regulation, said Japanese subjects are bound, under said treaty to obey.

12. That the fact that the Federal Government has from time to time made grants of land of California, upon no other or different basis of conditions than have been contained in grants to other states, both prior and subsequent to the adoption of the treaty with Japan, does not in itself justify the assumption of an express or implied covenant for the joint Federal and State control of the public schools, since the education of the youth of our land was not among the powers delegated by the states to the Federal Government and is not therefore the subject of Federal cognizance.

Japanese Pamphlets

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The
American-Japanese Problem

TWO ADDRESSES

BY

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Imperial University, Kyoto, Japan*

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A fresh and sane discussion of one of the greatest questions of the day. Prof. Gulick recognizes the justice of *California's demand* to be saved from danger of an overwhelming Asiatic immigration and also the *justice of Japan's demand* to be accorded treatment free from invidious race discrimination.

These apparently irreconcilable demands are met and fundamentally satisfied by the proposal of a New Immigration Policy that deals equally with all races.

The author has spent twenty-six years in Japan: for many years he was a professor in Doshisha University of Kyoto, and lecturer in the Imperial University.

Since January, 1914, Prof. Gulick has been speaking throughout the Eastern and Middle States on the Relations of America and Japan, as the representative of the Commission on Relations of America with Japan appointed by the Federal Council of the Churches of Christ in America. This organization includes thirty Protestant denominations, 136,000 churches, and some seventeen million adult members.

Copies of this bulletin (No. 67) of the Federal Council may be secured from the office (105 East 22d St., New York) on remittance of five cents. They may be had in bulk at \$3.00 per hundred.

A BRIEF STATEMENT OF THE NEW IMMIGRATION POLICY.

America should admit as immigrants only so many aliens from any land as she can assimilate.

Assimilation however takes place largely by means of those already assimilated and naturalized, who know the languages, customs, and ideals of both peoples—ours and theirs.

All immigration should therefore be limited to a definite per cent. (say five) annually from each land of those already assimilated from that land. This rate would allow to enter all who might come from North Europe, would cut down immigration somewhat from South and East Europe, and allow only a slight immigration from Asia. This would avoid the objection of differential treatment of the nations and so be in equal harmony with the dignity of all.

Provision should also be made for the care and rapid assimilation of all who do come to America. It is therefore important to establish

A **Bureau of Registration**; all aliens to be and to remain registered until they become citizens. The annual registration fee should be, say \$10.

Also a **Bureau of Education**—to set standards, prepare text books, and hold examinations free of charge. The registration fee should be reduced with every examination passed.

Also a **Bureau of Naturalization**. Certificates of graduation from the Bureau of Education and of good behavior from the Bureau of Registration should be essential to Naturalization.

All new citizens should take the oath of allegiance to the flag on the Fourth of July; on which day there should be processions with banners and badges, welcome orations and responses.

Eligibility to American citizenship should be based on personal qualification. The mere fact of race should be neither a qualification nor a disqualification.

Such a policy would completely solve, not only the perplexing Japanese problem, but also the dreaded Yellow Peril and the difficult problems connected with European immigration. It would put America right with all Asia; maintain and deepen our international friendship; and help to promote the uplift of China and secure our share of the enormous commerce which is to develop between China and the West in the near future.

LECTURE I.

A NEW IMMIGRATION POLICY.

The following lecture was delivered in substance before the Senate Committee on Immigration and Naturalization, Jan. 31, 1914, and at their request was written out in full and placed on record. Copies were presented to Sec. William J. Bryan and President Woodrow Wilson, both of whom granted Mr. Gulick interviews, February 2, 1914. Viscount Chinda, Ambassador from Japan, also requested copies for transmission to his Government in Tokyo. Statements by responsible Japanese warrant the belief that the general policy here outlined, including the restrictions of immigration here proposed, would be quite acceptable to the Japanese, since it is free from invidious race discrimination.

*Mr. Chairman and Gentlemen of the Senate Committee
on Immigration:*

I appreciate the honor of this opportunity to present certain considerations bearing upon America's Japanese problem.

In response to Senator Dillingham's request I begin with a few words of a personal nature.

A PERSONAL STATEMENT.

For twenty-six years I have been in Japan as a missionary of the American Board of the Congregational Churches. During my first two periods of service (nineteen years), I was engaged in the usual work of a missionary living in the interior. For the last seven years I have been located in Kyoto, having the chair of Systematic Theology in Doshisha University and also serving as stated Lecturer in the Imperial University of Kyoto in the Department of Comparative Religion.

These later years have brought me into contact with leading educators both in Kyoto and also in Tokyo. Because of the part which I took in the discussion which arose in connection with the so-called "Conference of the Three Religions" (February, 1912), really an official reception given by the Government to the heads of the twelve Shinto, fifty-four Buddhist and seven Christian bodies, I was brought into relation with a group of Japan's political leaders. Shortly after that the "Association Concordia" was organized, consisting of leaders in Education, Business and the Government, whose aim is the promotion of better mutual knowledge by the East and the West of each other's moral and spiritual life. Being one of the organizers of this Association, my acquaintance with Japan's leaders has been somewhat intimate.

I was in Japan when the recent anti-Japanese agitation and legislation took place in California and am familiar with its influence on the feelings of the people of Japan toward America.

As one of the organizers of the Oriental Peace Society of Kyoto—later united with the Peace Society of Tokyo to form the Peace Society of Japan, and as one of the Vice-Presidents from the beginning of the American Peace Society of Japan, I am familiar with the thought of Japanese and Americans who are interested in Peace.

I am familiar also with the thought of the American missionaries in Japan—over nine hundred—whose work in proclaiming the Gospel is seriously hindered by the rising suspicion and animosity between the two nations. They are deeply concerned not merely because it hampers their work, but still more because racial animosity is itself a contradiction to the central principles of the gospel which proclaims peace, good-will and universal human brotherhood.

Missionaries as individuals and in groups took action at that time, seeking to inform Americans as to the significance and probable result of California's proposed anti-Asiatic legislation. Resolutions and memorials were sent to America by letter and by cable. The Japan Mission of the American Board, for instance, sent a Memorial to the Federal Council of Churches of Christ in America asking for the appointment of a Committee to study the entire Oriental problem from the standpoint of Christian statesmanship, with a view to guiding the churches and the American nation to the adoption of a truly Christian national policy.

Last July (1913) I returned to the States on my furlough. On reaching California, I spent three months studying the situation there. For I felt that only as I knew the facts from both sides—recognizing to the full, California's contentions and rights—would I be able to make any contribution to the solution of this most important, yet difficult problem. The result of that study is a volume now in the press on "The American Japanese Problem", in which I study with some fullness the entire question of the Racial Relations of the East and the West.

Not long after my arrival in America, I was invited by the Secretary of the Federal Council of the Churches to attend a meeting in New York of its Commission on Missions in order to present more fully the subject matter of the Memorial sent in by the Japan Mission of the American Board. As a result of that and other conferences on the subject, I am now visiting leading cities under the auspices of the Federal Council to lay before the American people the problem with which America is confronted because of the rise of a New Asia.

The old attitude of the United States toward the Oriental is not suited to the new times in which we live. The true interests of America require the promotion of mutual friendship of Asia and America and the abandonment of differential race legislation.

Passing now to my main theme let me present considerations for urging that America should give up her differential treatment of Asiatics.

A New Asia.

Mankind has entered on a new era. Races and Civilizations for ages separated and self-sufficient are now face to face; their interests are rapidly commingling. New relations are being established between the East and West, between the masterful white nations and the hitherto peaceful and submissive peoples of Asia. The great races are proud, ambitious, determined. These qualities are part cause of their greatness.

Japan.

When Japan first came in contact with the white man (1553), she welcomed him. For sixty years she gave him full opportunity. About a million Japanese, it is believed, became Christian. Then when Japan learned of the white man's aggressions and ambitions for world conquest, she concluded that the white man meant a White Peril, to avoid which she turned him out, exterminated Christianity and for 250 years carried out her policy of exclusion most completely.

The Effect of Exclusion.

By that policy, however, she lost the stimulus of international relations and fell behind. In 1853 she woke to discover how belated and helpless she was, due to her exclusion policy. She wavered for a decade, suffered revolution brought on by different conceptions as to the right policy to take to the white man and finally late in the sixties adopted

Japan's New Policy

that namely of learning the secrets of the white man's power, in order to maintain national existence and honor on a basis of equality with the white man. This has been Japan's controlling ambition for fifty years. Her success, her war with Russia proclaimed. Japanese cannon at Mukden were heard around the world, proclaiming to the white man the end of his undisputed supremacy, and to the colored races the way in which to meet the White Peril. All Asia awoke to hope and effort.

Her Ambition.

Japan is not yet satisfied. National existence is indeed assured, provided she can maintain her military armament; she now has complete sovereignty within her own territories. But her citizens are not admitted to equal rights and opportunities with those of other lands—in America, Canada, New Zealand, Australia and British Africa. Her sense of national dignity is affronted. The limitation recently placed upon her by California, and the violent anti-Asiatic policy urged by the whole Pacific Coast has shocked and pained her deeply. Japan regards as highly humiliating all proposals to make general Asiatic exclusion laws.

Japan's Gratitude for American Friendship.

This situation is the more painful to her because until lately our relations have been so ideal, so helpful, so friendly. For decades she has been profoundly grateful to the United States. We brought her out of her long seclusion—watched patiently over her, guided her through those trying decades when she was first learning from the masterful white man the ways of the modern world. We protected her interests in international matters. We returned in 1883 the Shimonoseki Indemnity, amounting to \$785,000.87. Thousands of Japanese students have had ideal treatment in our Christian homes and in our High Schools, Colleges and Universities. Our aid and support at the time of the war with Russia were invaluable to her and were highly appreciated. While there are doubtless jingoes in Japan who have uttered foolish words and threats, the prevailing temper of the people as well as of the Government, has been one of gratitude and persistent good-will. In spite of recent rebuff and unkind words and treatment there is a remarkable spirit of patience and moderation. They are still proceeding with expensive plans for the Panama Exposition at San Francisco.

Deeply Wounded, but Still Hoping.

Japan is still hoping that some method will be found of providing for California's just demands without subjecting her to humiliation. She has taken at its face value, the first treaty she ever made with a white race, namely with America, which reads:—"There shall be perfect, permanent and universal peace and sincere and cordial amity between the United States and Japan and between their people respectively, without exception of persons and places." This friendship solemnly pledged, has been loyally

carried out by Japan. But it cannot be denied that her friendly feelings and her admiration for America have considerably cooled. Many indeed are indignant; all are waiting eagerly to learn if America as a whole will support the anti-Asiatic policy so urgently pressed by Pacific Coast legislators and agitators.

Japan is Misunderstood.

There is wide misunderstanding in California and in America as a whole as to what Japan asks. She does not ask for free immigration for her laborers. She recognizes that any large entrance of Japanese into California would produce both economic and racial difficulty. She is ready to do whatever may be needful consistent with national honor and dignity to save America from embarrassment on both lines, as her faithful administration of the "Gentlemen's Agreement" witnesses. She is willing to continue holding back all Japanese laborers from coming to this country.

What Japan Earnestly Pleads For.

What Japan does ask and asks earnestly is that there shall be no invidious and humiliating race legislation which shall involve her fair name. Japan stands for national honor in international relations. For this she has been strenuously striving for half a century. Is she not to be respected for it? Is not this sensitiveness and insistence one of the evidences that she deserves it? **Economic opportunity in California is not her primary interest or insistence but recognition of manhood equality.** Is not the honor of an individual or a nation of more importance than everything else? Is the maintenance of friendship possible between two nations when one insists on humiliating the other?

China.

For ages China was so vast, preponderant, self-sufficient and self-satisfied that she simply ignored the white man when he appeared on her horizon. Even the wars by which England forced opium on China did not apparently disturb her much.

But when port after port was taken by foreign powers; when Germany took Kiao Chao for the killing of two missionaries; and when Russia took Port Arthur after it had been forced back from Japan; and when foreigners were gaining mining rights and railroad concessions throughout China, Chinese began to realize that something must be done, or they would soon cease to exist as a self-governing people.

Failure of China's Exclusion Policy.

China's first reaction was like Japan's (and incidentally California's), namely, a policy of exclusion. That brought on the Boxer uprising (1900). It was however, too late. The armies of the Allies relieved Peking and proved to China that the White man and Western civilization could neither be excluded nor ignored. They imposed upon her as penalty an indemnity, far in excess of expenses, amounting to \$687,566,705.

China Learns from Japan.

After a few years of vacillation, confusion, turmoil and revolution, came Japan's victory over Russia (1905), which announced to the world that a colored race can hold its own against the white man and that the way by which to do it is to learn all that the white race knows. China listened and learned.

One month after Japan made peace with Russia, China abolished her system of classical education, over 2000 years old, and started on the new policy. Since then China has been introducing western education, western science, western political life at a tremendous rate. The Manchu dynasty is gone. The characteristic Chinese queue is gone from large sections of China. We now have a new China, ambitious, energetic, resourceful, progressive and becoming self-conscious. Her young men are in all the capitals of Christendom learning western ways. As a short cut to western knowledge tens of thousands of Chinese students have studied in Japan.

Some decades will doubtless be needed before China will reach the stage of occidentalization already reached by Japan. But she will get there as surely as time moves onward.

China's Friendship for America.

At present America holds an enviable position in China. Above all other nations we are recognized as having been her friend. We have never seized a foot of her territory nor squeezed her for indemnities. On the contrary our dealings over there at least, have been friendly and helpful. We helped her at the critical time of the Boxer uprising. We are remitting annually a part of our share of the Boxer indemnity, amounting in all by 1940 to nearly \$40,000,000. We would have no part in the grasping Six-Power loan; we were the first to recognize the Republic. Our missionaries throughout China have displayed that char-

acteristic spirit of American democracy which wins the common man. The new Chinese education is practically in the hands of Americans. China is cordially our friend and admirer to-day, as Japan was for several decades.

Will America Retain China's Friendship?

But how long will this last? When China secures inner political stability, a system of popular education, newspapers in every city and telegraphic communication with the world, and has the news of the world at sunrise as Japan has, and when China learns that in spite of all her history, national prestige, power and progress, her citizens in America are subjected to indignities and treatment accorded to those of no European people,—not because of personal defect or wrong, but wholly because of race; when she learns that for decades Chinamen in America were helpless victims of local race antagonism, were indeed on occasion even murdered, and that nevertheless the United States as such never sought to aid or protect them and never attempted even to punish the guilty murderers; and when China as a nation awakes to the fact that America has made no effort to keep her treaties with China; when she learns that America promised in a solemn treaty that “Chinese laborers now (1880) in the United States . . . shall be accorded all the rights, privileges, immunities, and exceptions which are accorded to the citizens and subjects of the most favored nation” and yet that the authorities at Washington allowed California to deprive Chinese subjects in that state of the right to buy and sell land or to lease it on terms allowed to other aliens; when China learns these things, as learn them she will in time, is it likely that Chinese friendship for, and trust in America, will be maintained? And when China learns that America, like all the other peoples holding Canada, Australia and South Africa, has established high walls of exclusion based entirely on race grounds, is she likely to be quite complacent?

Is it not altogether likely rather that China will follow in Japan's footsteps; the friendship will cool down; disappointment will follow disappointment, until friendship changes to animosity, good-will to enmity?

“The Yellow Peril.”

Many in this country and Europe are already looking forward to the day when all Asia, united and armed as Japan is to-day, shall confront the white

man. If the white races follow the policy of Asiatic exclusion and disdain, grounded exclusively on race difference, will not our attitude evoke a corresponding attitude on the part of Asiatics? But if enmity widely prevails in Asia against the white man there will also be wide suspicion and many unfriendly deeds; and these will be doubly reciprocated by the West. And because of this condition there will be felt in both East and West the need of progressive armament to preserve peace and prevent attack.

The present policy, therefore, so widely adopted by the white race, in Canada, on our Pacific Coast, in New Zealand, Australia and British Africa, the policy of invidious differential racial treatment, and of holding these vast, sparsely peopled continents for exclusive opportunity for the white man, regardless of the conditions, needs or abilities of the other races, this, I say, is a policy fraught with grave danger.

This condition is already being discussed by Orientals. They call it

"The White Peril."

If you want to see how Japan feels on this question listen to this utterance of Professor Nagai in his recent article on the "White Peril:"

"If one race assumes the right to appropriate all the wealth, why should not the other races feel ill-used and protest? If the yellow races are oppressed by the white races and have to revolt to avoid congestion and maintain existence, whose fault is it but the aggressors? If the white races truly love peace and wish to preserve the name of Christian nations they will practice what they preach and will soon restore to us the rights so long withheld. They will rise to the generosity of welcoming our citizens among them as heartily as we do theirs among us. We appeal to the white races to put aside their race prejudice and meet us on equal terms in brotherly co-operation."

The above quotation is from a long article published in Japan last May.

Some three years ago while lecturing in the Imperial University of Kyoto, the Secretary of the Young Men's Buddhist Association brought me a letter from the Secretary of the Young Men's Hindu Association of Calcutta describing the evil deeds of the white race and asking if Hindu and Japanese young men should not combine to oppose the white man and to drive him out.

Last August (1913) a summer school was held in Osaka under the auspices of the great daily, the "Morning Sun" (Asahi). One of the addresses was delivered by A. Dharmapala on "Japan's Duty to the World." I give a few quotations.

"Islam destroyed India, Christian England demoralized China . . . Only Japan escaped these destructive icebergs. . . . It is the white peril that the Asiatic races have to fight against. . . . The White peril is a reality, the Yellow Peril is only a phantom. . . . How are we to subdue the arrogance of the white races? . . . Japan by her superior morality subdued the most powerful of European nations."

These discussions are but mutterings now and the feelings they represent may still be allayed. If we treat the Asiatic with a consideration for his needs and welfare, if we help him to walk in the modern ways, and aid him in maintaining his sovereignty and national dignity, we shall unquestionably win and hold his friendship. There will then be no white peril for him and no yellow peril for us.

But if we disregard his problems, his needs, his ambitions, and his dignity; if our first aim is white race supremacy established by force, with a crushing heel on the yellow man's head; if we give him no fair share or opportunity in the world's great store house; if we humiliate him, and insist on certain disqualifications regardless of personal character or ability, disqualifications based entirely on race, then the future relations of East and West are indeed ominous.

The Economic Yellow Peril.

The yellow peril is not exclusively military. To some, the economic aspect is even more serious. When all Asia is fully awake, educated in modern science, equipped with factories, railroads, steamships and mines, what will become of our commerce, and of our industrial classes? Will not Asia by her low standard of life put up an invincible industrial competition? Will she not pull us down to her level? Can we permanently maintain a high scale of life against a world living on a low level? That is a problem for economists.

But one or two things I think I can say. The solution of this problem, both for us and for them, can be found far more easily on a basis of friendship than of enmity between East and West. We can solve our own economic problem more certainly if neither they nor we are crushed by the excessive military expenses which would be inevitable if the fear of the military yellow and white perils are rampant.

And further, no small part of the solution consists in raising the ideals and scale of life among Asia's millions. By raising their manhood and their entire mode of life—the economic competition will be diminished. This is visibly beginning to take place in Japan. The cost of living has doubled there the past decade. Moreover in proportion as the higher standard and scale of life arises will Asia's purchasing power from us advance, with all that that signifies.

Now it is not hard to see that the best conditions under which to elevate the masses of Asia and bring them up to our level is on a basis of friendliness. Help them to learn. Let them come and live among us and go back, carrying with them their new ideas and ideals. Set the best possible conditions for the promotion of the knowledge of the Heavenly Father, of man's own divine nature and of the universal brotherhood. These are the great creative ideas which lift individuals and peoples to higher levels of life and to nobler manhood. Even though for wholly selfish reasons, we wish to lift Asia, these are the means by which to do it. In imparting these ideas, it will be a great thing if missionaries in China can point to America with pride and say, "there is the land where those ideas are being carried out, not only in the relations of private life, but in business and industry and also in international relations."

Inability to make this statement to-day, except in a limited way, is probably the most serious obstacle to the propagation of the Gospel in non-Christian lands. Increasingly difficult will the missionary work become if there is rising racial animosity and injustice. For the very substance of the Gospel is thereby denied by the conduct of these peoples who know the Gospel ideal most completely.

California's Just Demands.

A fair statement of the case, however, demands also full appreciation of California's situation. Were immigration as freely granted to Asiatics, as has been to Europeans, the Pacific Coast states would undoubtedly be invaded by millions in the course of a few years. Coming by the hundred thousand annually, they could not learn our language, nor we theirs. Assimilation and mutual understanding would be impossible. The result would be Asiatic and American institutions and customs struggling side by side, an imperium in imperio, with endless rivalry and serious danger of collision. California is absolutely right in her demand that she shall be free from such a danger.

Only those immigrants should be allowed to enter, reside permanently and own land in California or anywhere in the United States who can become citizens and be completely assimilated.

The Solution of America's Oriental Problem.

Since therefore differential race treatment on the one hand must be given up and since on the other hand free Asiatic immigration is not to be tolerated, it would seem as though we were involved in an insoluble problem, caught on the horns of a dilemma. In reality, however, the problem is not so difficult as it appears. The alternatives are not free immigration or complete exclusion.

Since we must limit Asiatic immigration, and since we must also treat all races equally, it follows that we must limit all immigration. It follows likewise that we must find some method or principle which, applied equally to all, will secure the needed results. We find this in an immigration law which bases limitation on the principle of assimilability.

An immigration law which treats all races exactly alike—this, and this alone, is friendly. A law which admits only so many annually as we can reasonably expect to assimilate—this preserves our institutions and provides that the white man's land shall remain white in civilization and control.

And these two provisions lead on to a third, namely—provision that those who are admitted to our country shall be aided in the process of assimilation. In other words we need to provide for the rapid and certain assimilation of those who do enter. For our own sake, as well as for those who come to us, we cannot afford to have any considerable population residing in our midst but taking no essential part in our national life.

We should admit into the United States as immigrants only as many aliens from any land as we can expect to assimilate. Assimilation, however, takes place largely by means of those already assimilated and naturalized, for they know the languages, customs, ideals, political and social life of both peoples, theirs and ours, and the processes they themselves have passed through in becoming Americans.

All immigration therefore should be limited to a definite per cent per annum from each people, of those from that people already assimilated (naturalized) with American born children of the first generation. Five per cent suggests itself as a suitable rate with which to begin the experiment.

In order to present my proposition with as much definiteness as possible, I have formulated it in the shape of

A Proposed Amendment

to the present Immigration Law.

Be it enacted, etc., That Section 2 of the Immigration Act of February 20, 1907, shall be amended by the addition of the following proviso:

Provided, That the number of aliens of any race (single mother tongue group), who may be admitted to the United States in any fiscal year shall be limited to five per cent of the number of native-born persons of the first generation, together with the number of naturalized citizens, of that race in the United States at the time of the national census next preceding; except that aliens returning from a temporary visit abroad; aliens coming to join a husband, wife, father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter; aliens who are government officers, and aliens who are travelers or visitors and who do not engage in any remunerative occupation or business in the United States, shall not be included within the five per cent limit above provided. Provided, further, That all laws relative to the exclusion of Chinese persons or person of Chinese descent are hereby repealed.

This, gentlemen, is a proposition that no doubt seems to you chimerical, yet it is in fact the only policy really practical. So important are the principles upon which this proposal is based that I venture to emphasize them.

The Fundamental Postulates

which underlie the proposed immigration policy are:

1. That the United States shall treat all races on a basis of equality; that there shall be no invidious or humiliating treatment of any race. This does not mean, however, nor necessitate, a policy of wide open doors to all races—a policy of free unrestricted immigration.

2. That we can wisely admit into our country for permanent residence only so many aliens and of such peoples as we can assimilate. Any other policy is fraught with danger. We cannot consent to the permanent presence in our land of alien populations, who will be as cancers in our body-politic—in us but not of us.

3. That the number whom we can confidently expect to assimilate yearly depends in some close way on

the number of those already assimilated. Those born abroad, who have, however, been here long enough to learn our language and our political life and to accept our ideals are the ones to exert wholesome influence on newcomers from their own native people. They constitute the natural channel by which the newcomers enter our life. The larger the number of naturalized citizens from any particular foreign people, the larger the number whom we can safely admit from that people. This then is a ratio—a matter of per cent.; I suggest 5%. I am not however, particularly concerned with the 5% number, but only with the principle and with its equal application to every foreign people.

Certain questions will at once arise.

Points of Difficulty.

(a) How can we settle what a "single mother tongue group" is? There is a certain amount of theoretical difficulty here; but the general principle is clear. A German or Egyptian Jew, though completely assimilated, would be of no particular aid in assimilating a Polish Jew. The central principle is the power of those already assimilated from a particular foreign group to serve as an assimilating agency for later comers from that group. For this they must have belonged, in a not distant past, to the same social group and must still have ability to speak the same language.

The determination of the names and boundaries of such groups might be left either to the Bureau of Immigration or to the Department of Ethnology.

(b) The Federal Census does not show how many naturalized citizens there are. This is certainly a difficulty, but it can easily be remedied at the next census. In the meantime the Bureau of Immigration and Naturalization could be instructed to make estimates, which estimates could be used as a working basis until the next census gives the correct figures.

(c) What would be the effect of this 5% rate on present immigration?

I have devoted considerable study to this question, and offer the following figures. Columns 1-3 are taken bodily from the last Federal Census. Column 4 is taken from the Report on Immigration, being the sum for the past ten years. I assume for column 5, that the deaths and departures of those admitted as immigrants has been 20%. I assume still further that of those immigrants who have come to us in the past ten years, 40% have naturalized, leaving 60% who are still aliens—column 6. The

difference between columns 3 and 6 gives the number of estimated naturalized citizens and American-born children, column 7. Column 8 is 5% of column 7, the maximum number of possible annual immigrants. For purposes of comparison I have placed beside it the actual immigration for 1912.

If these assumptions are regarded as fairly plausible and the calculations have been correct, we reach the result that the proposed 5% rate would allow full immigration from north Europe and cut down very considerably immigration from south Europe.

Country	Foreign born	American born children, one or both parents foreign.	Total foreign White stock.
	1.	2.	3.
Germany	2,500,000	5,780,000	8,280,000
Great Britain ..	2,570,000	5,160,000	7,730,000
Scandinavian ..	960,000	1,490,000	2,450,000
Russia	1,730,000	1,020,000	2,750,000
Italy	1,340,000	750,000	2,090,000
Austria	1,670,000	1,030,000	2,700,000
China	56,000	14,775	
Japan	67,000	4,410	

Country	Immigration Past Decade	Estimated Deaths and Departures	Estimated Resident Aliens
	4.	5.	6.
Germany	350,000	70,000	168,000
Great Britain ..	958,000	191,000	459,000
Scandinavian ..	491,000	98,000	235,000
Russia	1,725,000	345,000	822,000
Italy	2,071,000	414,000	993,000
Austria	2,097,000	419,000	1,006,000
China			56,000
Japan			67,000

Country	Estimated Citizens and Children	Possible Annual Immigration	Actual Immig- ration 1912
	7	8	9
Germany	8,112,000	405,600	27,788
Great Britain ..	7,270,000	363,500	82,979
Scandinavian ..	2,215,000	110,750	27,550
Russia	1,928,000	96,400	162,395
Italy	1,097,000	54,850	157,134
Austria	1,694,000	84,700	178,882
China	14,775	738	
Japan	4,410	220	

(d) What would be the effect on Asiatic Immigration?

Chinese.

Since there are over 14,000 American-born Chinese in the United States, the 5% rate would allow over 700 Chinese immigrants annually. During 1913, over 6,000 Chinese citizens entered America in harmony with the present exclusion laws, consisting chiefly of those who return and relatives. It is generally admitted that quite a number smuggle their way in. It is a fair question whether the opening of the door to the extent of 5% would not serve to diminish the number of those who smuggle their way in. As soon as China gains the new administrative efficiency which her internal reforms are securing, would she not co-operate more loyally in administering a 5% rate, than in enforcing the complete exclusion laws now on our statutes?

Japanese.

The 5% rate would allow about 220 to enter yearly. Of the 6,859 Japanese arrivals during the last fiscal year, 6715 brought passports acceptable to our officials under the present "Gentleman's Agreement," while 144 brought passports not regarded as satisfactory. But under the circumstances it was impossible to deport them. Of the 6715 arrivals, 5920 come within the number for whom special exception is made in all treaties, such as relatives and those returning after an absence. Within the remaining 753 are included travelers, visitors, students provided with means of support and others, who would also be admitted in any case. Skilled laborers and professionals who plan to make a living by some remunerative occupation, would be affected by the proposed 5% rate. But in any case the number affected is not large.

In this brief discussion I have of course considered only the question of immigration. Of equal importance, however, is the question of Asiatic assimilability and also the question of aiding all immigrants in such wise as to promote their rapid and wholesome incorporation into our national life. I regret that lack of time forbids their discussion, for upon these matters also I have much that I would like to say.

Summary Statement.

If my argument has been correct, the new world situation and especially the New Asia requires of America changes in her international policies, especially as they concern the Orient. The continuance of flat Asiatic exclusion—which was possible and probably necessary in the nineteenth century—promises to

bring serious disaster. A policy of restricted immigration, of general application, looking to the welfare of Asia as well as our own, together with adequate provision for the assimilation to our ideals and life of all who come to our shores, will alone secure those right and helpful relations which will promote the permanent peace and prosperity of both East and West.

America is the only country in the world to which is offered the opportunity of mediating thus between the East and the West. Our conduct during the next few decades seems likely to settle for centuries to come the relations of East and West. This question may possibly be hanging in the balance for a half century. The longer we delay starting upon the friendly and helpful course, the greater will be our difficulty in carrying it out and overcoming the anti-white suspicion and enmity already existing in the Orient and bound to grow with every decade of delayed justice.

In closing, Mr. Chairman and Gentlemen of the Committee, let me thank you most heartily for this opportunity to express some of the considerations which seem important not only to myself alone but to those whom I represent.

[In the course of the address many questions were asked and answered. It has seemed better, in preparing this account of what was said, to bring all these questions and answers together at the close.]

Question. Does not Japan demand of us what she does not grant to others? Does she not exclude Chinese laborers?

Answer. Japan has, indeed, deported Chinese laborers but not because of Chinese exclusion laws: All her laws relating to foreigners are general and apply to all races and nations equally. In a few cases Chinese laborers have been deported because of infringement of departmental regulations requiring that in every case before foreign labor is brought in special permission shall be secured. What Japan objects to in our laws is invidious race legislation. She takes no exception to any legislation which treats all aliens alike.

Question. Does not Japan demand rights for land ownership for her citizens in California which she does not grant to foreigners in Japan?

Answer. No, I think not. Any foreigners in Japan if they form a corporation and are legally incorporated (Ho-jin, Juridical Person) have exactly the same rights in every respect that are granted to

a Japanese corporation. Not so with California's laws; there, no corporation the majority of whose members are Asiatics may purchase or hold land. In Japan, a private individual may not indeed as yet purchase land in fee simple. But he is allowed to lease for indefinite periods. Many foreigners—I among them—have leases that run for 999 years with the clause added that in case the laws are changed at any time, the deed shall be changed to fee simple ownership without additional payment. Since all deeds have to be recorded in the Government land office and must be sanctioned to be valid, this form of land ownership is recognized as legal by the Government. The California law in contrast to this, does not allow Asiatics to lease land for periods exceeding three years. In any case, however, Japanese land laws relating to aliens treat all races on a basis of absolute equality.

But it is not to be forgotten that more than three years ago the Diet passed a new land law providing among other things for the fee simple ownership of land by foreigners from countries which grant the same right to Japanese. Certain investigations, however, had to be carried out before it could go into effect, which apparently have not yet been completed.

Question. How did it happen that fee simple ownership was not granted at the beginning of foreign intercourse?

Answer. For three hundred years Japanese, in absolute ignorance about foreigners, came to believe almost every evil thing about them. When Japan was first opened, only the most restricted privileges could be granted them because of violent race prejudice. The Government had to take and did take extraordinary precautions to secure to foreigners the safety and the rights provided for by the treaties. As Japan learned the ways of white men and began to trust them, the restrictions were gradually relaxed, the Government being ahead of the people as a rule and ever teaching them. When the final relaxation was made at the close of the nineties, and foreigners were allowed free travel without passports many Japanese expected a great overwhelming flood to sweep through the interior. It was believed that if the right to fee simple ownership was given to foreigners, they would buy up every good piece of property in the country. Their anxiety was far keener than has been that of California regarding Japanese land purchase in that State.

Question. Is not Japan over-sensitive, threatening to go to war over little matters. Is she not over

solicitous about her national honor; does she not get insulted too easily. America for instance, because Russia refused to accord to American Jews traveling in Russia the rights we demand, simply cancelled the treaty—but there is not a particle of thought that we would go to war with Russia.

Answer. That is a very good question and a good illustration also. America abrogated the treaty with Russia because she felt that her national dignity was involved in the treatment given by Russia to American Jews. We will not allow, without protest, invidious or humiliating treatment of even one class of our citizens. In the case of Japan, her whole citizenship is involved on a race issue.

But there is another consideration to be borne in mind. **Japan has made no threat of war nor even intimated it.** In this respect likewise she resembles America, in the attitude to Russia.

It is well to remember that the talk of war between Japan and America has emanated wholly from sources on this side of the Pacific. There are sinister forces which utilize the Japan war-scare with which to promote their own interests. Japan knows that war with America across the Pacific is practically impossible. Moreover, Japan earnestly wishes to have friendship with us—far more than we do with Russia. Japan knows all too well that her future political skies are by no means free from clouds. Her fleet and army are maintained wholly without reference to the United States.

Of course there have been jingoes in Japan, who have caught up the war talk—but it first came from Europe and then from America. But the boasting or threatening words of a few irresponsible disturbers of the peace should not be mistaken for the intention of an entire nation.

Question. Was there not high excitement widespread in Japan over the California question?

Answer. I think I should say no to that. In Tokyo where most of the jingoes and small politicians congregate there was excitement, and some hot talk. But there never was any mob of any size surging through the streets of Tokyo demanding war—as was asserted by certain alleged telegrams that appeared in the American press. In Kyoto, Osaka, Kobe and elsewhere there were public meetings to hear what might be said on the subject. I spoke at the meeting in Kobe. There was not a particle of excitement. My line of discussion was to the effect that California was not wholly without

reason. The presence of so many Japanese in California did create a problem. That we in Japan did not have sufficiently accurate knowledge of the California situation to pass any final judgment. But that if the California State law contravened the treaty the courts would rule the law unconstitutional.

In this connection, I wish to speak of the grave injury that is being done to both Japan and America by the irresponsible statements in the press regarding the motives and actions of each country. Every evil suspicion and surmise apparently is voiced as assured news. Only last Wednesday (Jan. 28) two Senators (names not given of course) were quoted by the "Washington Post" as saying that they had positive information that the Japanese Government was aiding the Mexican Government with arms in order to embarrass our Government. This statement was positively denied by President Wilson a couple of days later, but the story served to do its share of the work in making both countries suspicious of each other. I regard as one of the most serious dangers to the right relations of Japan and America, the irresponsible and apparently maliciously fabricated "news" that finds such ready utterance in so many of our papers. The only real "yellow peril" today is the "yellow press."

Question. Do you think you can legislate race prejudice out of existence?

Answer. Of course not. But wise legislation should be based on facts, not on the fictions alleged as facts by race-prejudice. Continuous education and just administration, I doubt not, will gradually overcome race-prejudice. Race-prejudice arises from ignorance. Its only cure is education.

Question. Is there not a fundamental difference of race between Asiatic and Caucasian so that assimilation is impossible and inter-marriage intolerable?

Answer. This is a large question, to which I have devoted three chapters in my forthcoming book on The American-Japanese Problem. I there distinguish between biological and social heredity and inheritance

Sociologically speaking, Asiatics are as assimilable as any people; but we must take them in small numbers, provide for their education in English, and give them opportunity such as we give to other nationalities.

The results of inter-marriage have not been sufficiently investigated to enable us to speak with certainty. Immoral inter-marriages are certainly bad. Inter-marriage preceding social assimilation is to be highly deprecated. My thought is that a commission

on the Problem of Race Assimilation should be established consisting of expert biologists, psychologists and sociologists. After exhaustive scientific examination, if it is found that race inter-marriage is harmful, as is popularly believed, a national law forbidding it should be enacted. The problem of "race purity" may and should be kept distinct from that of immigration, as Pres. Eliot so clearly shows in his Report to the Carnegie Peace Foundation.

LECTURE II.

THE AMERICAN JAPANESE PROBLEM.

The following lecture presents in the briefest possible form some of the principal points discussed in Mr. Gulick's volume having the above title. He there considers at length the Racial Relation of the East and West which is widely recognized as the most important world-problem of the twentieth century. He also takes up in detail California's experience with Japanese together with the question of Japanese Assimilability. In this lecture, after considering the world situation suggested by the terms "Yellow and White Perils", and after discussing briefly the problem of Japanese assimilability, he not only presents more fully his proposals as to immigration, but also as to methods of assimilation.

THE AMERICAN JAPANESE PROBLEM.

"Asia is a sleeping giant", said Napoleon; "let her sleep, for when she awakens she will shake the world." That prophecy is now coming true. Events mighty and significant are crowding upon us. The situation is dramatic and threatens to become tragic.

Man's modern mastery of nature with the practical collapse of space have created a new world situation. Races and civilizations, for ages self-sufficient, proud, ambitious, determined, are now face to face. Shall mutual misunderstandings, suspicions, aggressions, resentments, indignation, with mutual exclusion between East and West, grow ever more acute, culminating in fierce military conflict? Shall eight hundred millions in Asia, united and armed with Western science, bayonets and battleships, be pitted in race war against the white nations of Christendom armed to the teeth?

Such is the dread "Yellow Peril" which many already anticipate, and for which they would have Christendom prepare. But is there not some alternative, some better way? If so, what is it? My discussion falls into three sections:

1. The Perils—Yellow and White
2. Are Japanese Assimilable?
3. A New American Oriental Policy.

I. THE PERILS—YELLOW AND WHITE.

Whites in America number approximately ninety million; Japanese and Chinese each about 70,000; yet we face an ominous racial situation.

California, in fear of the economic competition of Asiatic labor and of a swamping invasion of Asiatic civilization, demands legislation providing for complete Asiatic exclusion. She urges also vast expenditures for military preparations on the Pacific coast.

British America likewise, and Australia, New Zealand, and British Africa have been seized with like fear of Asiatic immigration and military invasion. In each of these lands the white man has raised high walls of Asiatic exclusion. The wide continents he now possesses he proposes to keep for the white man's ownership; their unlimited natural resources he intends to reserve for the white man's use. Of the

needs or rights of the yellow and black man he has no consciousness, and (should I add?) apparently no sense of responsibility.

For several hundred years the white man has regarded himself as ordained to own and rule the world; to take by force, if need be, and make his own whatever he desired. Practically unhindered, he swept over America, North and South, Africa, India, Australia, New Zealand, and Siberia. To uncounted millions of the native peoples of these lands the white man has proved a terrible scourge. He has ruthlessly destroyed, not only tribes and peoples, but entire civilizations. For centuries he has been a veritable "White Peril" to races of other color than his own.

To escape the "White Peril" Japan deliberately shut herself away from the rest of the world for 250 years. Only when she could no longer protect herself by the method of exclusion did she adopt the new policy of learning and using what the white man knows. Her success in this policy the Russo-Japanese war proclaimed.

Japanese cannon at Port Arthur, Mukden and in the Japan Sea were heard, not only by the grim combatants, but also in every European capitol. They spoke with no uncertain sound. They proclaimed an end to the white man's unquestioned domination of the world. Their proclamation was heard likewise throughout Asia and Africa, giving fresh hope to races that have quailed before the white man.

One month after the signature of the Portsmouth treaty of peace China abolished her system of classical education, over 2000 years old, and adopted the policy which Japan has found so hopeful—the mastery of the world's best knowledge. Today, accordingly, we have a new China; the Manchu rulers have gone; a new national consciousness has arisen, with mighty ambitions and plans; China is waking to international life. She recognizes how serious is her plight. She is reorganizing her political, industrial, commercial, social, and even her intellectual life. She proposes no longer to be a weak belated people, the object of exploitation by all the other nations of the world. With Japan she plans to place herself beside the white man as at least his equal, with power to decide her own destiny.

But from the white man's standpoint the "Yellow Peril" is not only a matter of inundating immigration or mighty military invasion; it takes the form also of the keenest possible economic competition. When Asia with its low standard of living and with its teem-

ing millions of highly developed laborers begins to manufacture for herself the goods we now send her, where will our commerce be? And when she produces, far cheaper than we can, the manufactured goods we use, what will become of our industries, and of our working classes? Shall we not all be forced down to the Asiatic scale of life?

From the Japanese standpoint, on the other hand, the "White Peril" is taking on a new form. Through the adoption of Western science, hygiene and medicine, and through the acceptance of the Occidental estimate of the value of human life and the wide abandonment of infanticide, population is growing apace, as never before in her history. In the face of this growing population in a land already densely crowded, expansion to open territories is practically impossible. For the white nations have taken and hold such land for exclusive white ownership.

Moreover, the treatment of the Japanese in some parts of Christendom is galling to their pride and national dignity. California's recent anti-alien legislation has deeply wounded the entire Japanese people. Until the most recent years Japan has placed implicit confidence in the first article of the first treaty made with America in 1854, the first treaty with any foreign land: "There shall be a perfect, permanent and universal peace and a sincere and cordial amity between the United States and Japan and between their peoples, respectively, without exception of persons or places." This friendship, pledged between America and Japan sixty years ago, has been keenly and highly appreciated by Japan, but now it is considerably cooled. In truth, Japan is indignant, and is eagerly waiting to learn if, as a whole, America will support the anti-Asiatic policy so urgently pressed by California.

Professor Nagai, in his article last May on the "White Peril", says: "If one race assumes the right to appropriate all the wealth, why should not the other races feel ill-used and protest? If the yellow races are oppressed by the white races and have to revolt to avoid congestion and maintain existence, whose fault is it but the aggressors? If the white races truly love peace and wish to deserve the name of Christian nations, they will practice what they preach and will soon restore to us the rights so long withheld. They will rise to the generosity of welcoming our citizens among them as heartily as we do theirs among us. We appeal to the white races to put aside their race prejudice and meet us on equal terms in brotherly cooperation."

Mr. Dharmapala of India, speaking in Osaka, Japan, last July on "Japan's Duty to the World", said; "It is the 'White Peril' that the Asiatic races have to guard against. The White Peril is a reality; the Yellow Peril is only a phantom raised by European diplomacy to hoodwink Asia. How," he asks, "are we to subdue the arrogance of European races?" He urges Japan to lead Asia in the coming conflict with the white man.

China is at present most friendly to America. But how long will she remain so? When her people become as well versed in the affairs of the world as Japan and India are today; when she becomes conscious of the solidarity of white antipathy to Asiatics and to a treatment of Chinese contrary to our treaties and out of harmony with her dignity; when she learns of Californian anti-alien legislation and the refusal of America as a whole to let any Asiatics become citizens of this land, whatsoever their personal qualification, is it likely that China will maintain her friendship unbroken?

Against a solid anti-Asiatic white race, will there not inevitably arise a solid anti-white Asia? And will this not mean vast economic disaster to both East and West through military and naval expenses and interrupted or undeveloped commerce?

But the evils of protracted yellow and white perils are even more profound.

The two great streams of civilization, Occidental and Oriental, the product of milleniums of divergent evolution are in a large sense complementary. We Westerners easily see that we have much of value to give to the East. We do not so easily see that they have something of worth to give to us. Yet such, nevertheless, is the fact. But this mutual interchange of our best spiritual treasures cannot go forward on a basis of mutual suspicion, hatred and enmity. Only as friendship is established and maintained can we give them our best. This, moreover, is essential if we are to lift them to the level of our own life. It is no doubt true that, unless we elevate them to our own level, ultimately they will pull us down to theirs. Only on the basis of friendship too can we receive from them the best they have to give, thus enriching our own lives.

Such in barest outlines is the situation. A new era in human evolution has begun. The races and civilizations are face to face. This new era should be one of glorious interchange—an era of universal convergent evolution; but obstacles of race pride, aggression,

ambition, suspicion lie athwart our path. Perils, yellow and white, threaten the best interests of us all—East and West.

Many see no solution to the race problem save that of mutual exclusion. For the admission of Asiatics to America, as we admit immigrants from Europe, means, they assert, an Asiatic inundation. To such thinkers, complete surrender or complete segregation are the only alternative courses.

Just here however, lies the great mistake, for there is a third course. In briefest outline, it is a policy that provides for the gradual admission of Asiatics with provision for their education, assimilation and naturalization. By the early adoption of this policy, America can avoid both Sylla and Charibdis, devitalize both the yellow and white perils, and secure the inestimable advantages of the mutual exchange by East and West of their best. But at once someone will proclaim that Asiatics, and especially Japanese, are not assimilable. Though we admit them to our land, they will never become parts of our civilization nor really enter into our life. They are Oriental and we Occidental. Can oil and water mix? No more can East and West; and Kipling will be quoted;

“Oh, East is East and West is West,
And never the twain shall meet
Till earth and sky stand presently
At God’s great judgment seat.”

They, however, who quote these now famous lines, forget or never heard the lines that immediately follow:

“But there is neither East nor West,
Border nor breed nor birth,
When two strong men stand face to face,
Tho’ they come from the ends of the earth.”

There are indeed real differences between the East and the West, yet there is also real and still deeper unity. This question demands careful study. I pass accordingly to my second main topic, and ask:

II. ARE JAPANESE ASSIMILABLE?

If we admit Asiatics to our land, can and will they become truly American? If it indeed be true that the Japanese and Asiatics generally are not assimilable to our American civilization, then, of course, any plan for their admission to permanent residence in America and to naturalization, is out of the question.

Assimilation has two aspects—biological and social—to be sharply distinguished. In the one, through race intermarriage inherited race nature is combined and amalgamation takes place. The laws of the amalgamation are biological, operate spontaneously, and are wholly sub-conscious; the process is completed before the birth of the offspring. What occurs in those mysterious processes of generation and growth, our best science only dimly surmises. Their regulation is beyond human control.

In social assimilation, however, inherited race culture is transmitted both consciously and unconsciously, not only from parent to offspring, but from every influence that moulds thought, feeling and conduct. Social inheritance, given to the offspring only after birth, is a factor of superlative force in creating the personality of the individual. This inheritance is given, not by biological processes, but by education, by language, by every influence that moulds the heart and mind and will. Moreover, wholesome nurture, transmitting wholesome social inheritance, can alone provide the right environment in which human biological heredity can produce its best results.

This distinction between social and biological heredity and inheritance is of the highest importance in considering the problem of race assimilation. Civilization, mental habits of every kind, moral and religious ideas and ideals, with all the practices to which they lead, are matters of social, not of biological heredity and its processes. These are the factors which make a man to be the man he is. They form his mind, furnish the categories of his thinking, provide the motives and standards of his conduct, and, in a word, determine a man's race, sociologically speaking.

Now man's marvelous psychic nature provides that these things can be imparted to individuals of any race when they are young and plastic. Under ten or twelve, any child can completely learn any language, enter into any civilization, and become fully possessed of its social inheritance. Advancing years with loss of plasticity deprives one of this capacity. A full grown adult has almost no capacity for acquisition of new languages and civilizations. A man's personality is formed by the civilization in which he is reared.

The social assimilation of races, then, can proceed independently of their intermarriage. The Jews are a case in point. Sociologically speaking, Jews born and bred in America are Americans—biologically speaking, they are Hebrews.

Now from the standpoint of capacity to learn our language, acquire our ideas, and enter into our

corporate democratic life, young Japanese and Chinese are just as assimilable as are Italians or Russians, if we give them the same opportunity, the same welcome. Indeed, Asiatic children, reared in America, are more completely cut off from their social inheritance than are the children of any European people, because of the extraordinary difficulty of learning to read and speak Chinese and Japanese. Japanese children born in America can speak English freely, even though both parents are pure Japanese and are quite ignorant of English. In Hawaii, in spite of the large Japanese population and thousands of Japanese children for playmates, English is the language with which they play and quarrel.

The degree to which Japanese in California have already become Americanized, especially American-born children, is amazing to those who know them in Japan. The complete social assimilability of the Japanese is beyond question for anyone who will investigate the facts scientifically.

In regard to the question of the intermarriage of whites and Asiatics ignorant dogmatism prevails. Race antipathy and prejudice play a large role here. Yet it is a question which has not been carefully studied by experts. Intermarriage under wholesome and right relations is still limited. The disastrous results of the immoral sexual relations of the races should not be regarded as throwing light of any particular value on this problem.

We need, accordingly, a commission of expert biologists, sociologists and psychologists to collect and collate the facts already available that we may really know what are the biological consequences of race intermarriage. Personally I deprecate strongly the marriage of whites with Japanese. The differences of ideals as to the respective rights and duties of husband and wife are so great that the intermarriage of Americans and Japanese is a highly hazardous venture. Moreover, the biological results of such intermarriage are by no means clear. Many hold them to be as a rule bad. President Eliot contends that "pure races" are far superior. He asserts, moreover, that as a rule Japanese "do not intermarry with women of foreign races, affording thus a strong contrast to the white race in foreign parts. The question of immigration, therefore," he argues, "need not be complicated by any racial problem, provided that each of several races abiding in the same territory keeps itself pure, as the Japanese do, wherever they live."

But dogmatism is out of place. We need such scientific knowledge on this problem as can be col-

lected only by experts. The question of the wisdom of race intermarriage surely should not be left to the decision of individuals moved by momentary emotional impulses nor by ignorant dogmatism based on race prejudice. Full knowledge is required, and then if intermarriage is unwise we need an adequate national law forbidding it.

The question, therefore, of the intermarriage of whites and Asiatics can be and should be kept distinct from that of social assimilation. The latter can go forward independently of the former.

Accepting this result, we come to the third topic before us; to the statement, namely, of concrete propositions as to what we now should do for the solution of America's pressing Japanese problem.

III. OUTLINES OF A NEW ORIENTAL POLICY.

First of all I wish to say that I am in hearty agreement with the fundamental postulate of California's general Oriental policy. An immigration from Asia, swamping the white man, overturning the democratic institutions of the Pacific coast and ultimately of all America, or bringing wide economic disaster to Caucasian laborers and farmers, is not for a moment to be tolerated. California is right in her general policy. She is nevertheless wrong in her mode of applying that policy. Right in principle—wrong in method. She seeks to settle what is an international, nay, a universal problem in the light of exclusively local interests. Her solution in fact aggravates the difficulty, for it ignores pertinent facts, such as the actual diminution of Japanese residents in America due to the efficient administration by Japan of the Gentlemen's Agreement. It ignores also the willingness of Japan to accede to the fundamental desire of California. Her anti-alien legislation which, as Attorney-General Webb stated, "seeks to limit their (Japanese) presence by curtailing their privileges, for they will not come in large numbers nor long abide with us if they may not acquire land"—this legislation is accordingly needless; it is moreover humiliating to Japan; it is unscientific, unjust, short-sighted, and contrary to the spirit and substance of all American treaties with Japan.

The present Oriental policy of the United States as a whole also is in important respects humiliating to them and disgraceful to us. California's anti-alien legislation really rests back upon the refusal of our

Federal Government to grant rights of American citizenship to any individuals save "full white men" and men "of African descent."

Professing friendship in words, we deny it in important deeds. Demanding an open door for Americans in Asia and equality of opportunity for our citizens with that accorded to citizens of the "most favored nation", we do not ourselves grant the same to Asiatics in our land.

Here then is a serious situation. On the one hand California, conscious of a danger which she believes threatens to reach vast proportions if not radically and promptly dealt with. On the other hand, Japan, a nation with which America secured and has maintained exceptional relations of friendship, deeply wounded, yet earnestly desiring the maintenance of the historic friendship on a basis of dignity and mutual profit.

This is a difficult, delicate and intricate problem. Both sides have their measure of truth and right. The problem is how to harmonize these real rights and interests. How is it possible to grant what California so insistently and rightly demands and at the same time to secure to Japan what she demands with equal insistence?

The problem, however, is not so difficult as first appears. We need accurate knowledge as to the facts, clear thinking as to principles, the adoption of correct fundamental postulates and their consistent and wise elaboration into concrete policies and laws.

The new American Oriental policy must hold as its major premise the principles announced by President Wilson in that notable address at Mobile. He was speaking, it is true, with the South American nations in view, but the principles he announced apply equally to the nations of the Orient. As reported, he said:

"We must prove ourselves their friends and champions upon terms of equality and honor. You cannot be friends upon any other terms than upon the terms of equality.

"You cannot be friends at all except upon the terms of honor; and we must show ourselves friends by comprehending their interest, whether it squares with our interest or not.

"Human rights, national integrity and opportunity, as against material interests—that, ladies and gentlemen, is the issue which we now have to face.

"She (America) must regard it as one of the duties of friendship to see that from no quarter are material

interests made superior to human liberty and national opportunity."

On such principles consistently applied would we found America's new Oriental policy.

America should treat the Oriental on a basis of complete equality with the citizens of other races, granting to them the "most favored nation" treatment even as we give it to others and demand it for ourselves.

The policy needed is one that conserves all the permanent interests of California and the entire United States, and does so in harmony with the dignity of the peoples of the Orient and provides likewise for their permanent welfare.

A New General Immigration Law is needed which shall apply impartially to all races. We must abandon all differential Asiatic treatment, even as regards immigration. The danger of an overwhelming Oriental immigration can be obviated by a general law allowing a maximum annual immigration from any land of a certain fixed percentage of those from that land already here and naturalized. The valid principle on which such a law would rest is the fact that newcomers from any land enter and become assimilated to our life chiefly through the agency of those from that land already here. These know the languages, customs and ideals of both nations. Consequently, the larger the number already assimilated, the larger the number of those who can be wisely admitted year by year. The same percentage rate would permit of great differences in actual numbers from different lands.

By way of illustrating this suggestion consider the following outline of a General Immigration Law.

The maximum number of immigrants in a single year from any nation, race or group having a single "mother tongue" shall be:

(1) Five per cent of those from that land already naturalized American citizens, including their American-born children.

(2) In addition to these there shall also be admitted from any land all who are returning to America, having at some previous time had a residence here of not less than three years.

(3) All immediate dependent relatives of those who have had a residence here of not less than three years.

(4) All who have had an education in their own land equivalent to the American High School, with

not less than three years' study of some foreign tongue.

In the application of these provisions, individuals who come as bona fide travelers, government officials, students; in a word, all who are provided for by funds from their native land, should not be counted as immigrants; but all merchants, professionals, students, and all others who, even though not technically laborers, yet depend on their own efforts in this land for a living, should be so reckoned.

The immigration law suggested above would make it impossible for a new country like Patagonia or Tibet to get started, for it would have no naturalized citizens here from whom the five percent rate could be estimated. To make immigration possible for new countries it might be desirable to set an arbitrary limit—say five hundred or even one thousand immigrants per annum as a maximum for any country having less than 20,000 naturalized citizens in America.

Senator Dillingham proposed last June (1913) that annual immigration be allowed from any country up to ten percent of those from that land already here, yet allowing a minimum of five thousand to come from any land, however few may be their representatives in this country. The similarity of the writer's thought with that of the Senator's is apparent. Senator Dillingham proposes, however, to leave Asiatic Exclusion laws as they stand, making no effort to solve the difficult and highly important Asiatic problem.

The writer is not particularly concerned with defending the five percent rate here suggested. He merely uses it by way of illustration. Those better acquainted with the facts of immigration and the speed of social assimilation must determine just what percentage would be wise. The present contention centers on the point that whatever the wise rate may be it should be applied equally to all races. This principle alone avoids the difficulty of invidious race discrimination.

A Bureau of Alien Registration and Education is needed for the supervision of the education of all aliens. Every alien permanently residing in this country should be making steady preparation for citizenship; that is, for ability to live here intelligently and profitably both to himself and to us.

All aliens should be required to register in this Bureau, paying a substantial annual fee of, say \$10, until naturalized. He should keep the Bureau informed of changes of residence. Failure to pay the annual fee or to keep the Registration Bureau in-

formed of changes of residence should be punishable by fines, and if persisted in should be a cause for deportation; and all unregistered aliens should be liable to deportation. Graded courses of study in American History, Politics, Civics, and English should be prepared, as well as some adequate presentation of the fundamental traits of American civilization, and opportunity should be given for annual examinations, free of charge. The annual registration fee might be diminished with each examination passed. Certificates of graduation should be essential for naturalization. Federal aid might be given to states, cities and towns providing facilities for alien education. Night schools might be opened in public school buildings. All institutions, such as Y. M. C. A.'s or churches providing systematic education for aliens along the lines of the Federal law might receive subsidies.

Of course, the establishment and development of such an undertaking would entail enormous work, expense and patience. Much common sense would be required to avoid needless red tape. Those in charge should ever seek to carry out the spirit. An incidental yet important advantage of this system would be the close knowledge by our authorities of aliens in their first years here and the ability to pick out and deport undesirables, such as anarchists, white-slave dealers, or flagrant criminals. No small part of our national difficulty with immigration has been our *laissez-faire* policy in regard to their education for citizenship. The method of registration would enable the authorities to detect and deport such as may have made their way into America illegitimately. The systematic care and education of all aliens in America is essential to the welfare of the country, of far more practical and also of pressing importance than our splendid educational enterprise in the Philippines.

The Bureau of Immigration and Naturalization might well be divided, and the functions of the latter modified and extended. The work and responsibility of granting naturalization to aliens should be taken away from courts which are not qualified for such a function and vested in a body specially constituted for that purpose. Every candidate for citizenship should present certificates of graduation in American History, Politics, Civics, English, and Principles of American Civilization. The Bureau of Naturalization should also secure from the Bureau of Registration, certificates of the good behavior and the moral fitness of candidates, granting naturalization only to those morally as well as educationally qualified.

A day might be set aside each year, perhaps the Fourth of July, on which to administer the oath of allegiance and to extend official welcome to all new citizens. Patriotic processions, banquets and speeches with appropriate pins, banners and badges, could make the event as important and significant as commencement exercises are in our colleges and universities.

A Fresh Definition of Eligibility for American Citizenship is needed. American Citizenship should be based on individual qualification. Race of itself should be neither a qualification nor a disqualification for citizenship. Let us raise the standards for citizenship as high as may be needed; but, whatever the standards are, let us apply them impartially. Whoever qualifies should be admitted.

Let such special legislation as may be needed, enabling Asiatic naturalization, be taken promptly by Congress.

The granting of rights of naturalization to all on a personal, not a racial, basis would go far toward solving the entire problem now pending with Japan. Existing anti-Japanese legislation of California and other states would at once be void. The Japanese nation and government would be intensely gratified, for they would recognize that America as a whole insists on justice and equality of treatment for Japanese in our land.

Japanese individuals who have taken the required courses of education for citizenship and are ready on the one hand to renounce openly their allegiance to Japan, and on the other to take the oath of allegiance to the United States, would without doubt make as loyal Americans as those who come from any other land.

Direct Federal Responsibility in all legal and legislative matters involving aliens is also essential. Aliens are guests of the nation, not of the states; and the nation is responsible to foreign governments for their just treatment. Foreign governments have no relation with the states, but only with the federal government. It is, therefore, the duty of the federal government to provide that the treaty rights of aliens are accorded them. It logically follows that legal proceedings involving aliens should be handled exclusively in federal, not in state courts. The nation must provide that treaty and other rights shall be accorded aliens, regardless of the ignorance or prejudice of unfriendly localities.

It might perhaps be wise by special provision to allow local courts to handle minor matters, such as

misdeemeanors and transgressions of police regulations and city ordinances. The general principle, however, should be as stated above. To some this suggestion may seem a matter chiefly of theory, yet it is at this moment one of international importance. California and other states hide behind the national flag in their treatment of the citizens of Japan.

In 1864 the Japanese government failed to compel one of the clans to observe a recently made treaty allowing foreigners certain rights. Thereupon several of the Powers proceeded directly to the obstreperous clan and taught it a lesson on the importance of national unity and of obedience on the part of each clan to the international arrangements made by the central government.

The United States has for sixty years pledged her friendship and good-will to Japan. In several Pacific coast states legislation has been repeatedly proposed highly insulting and, if passed, seriously injurious to the citizens of Japan. All local legislation affecting differently the interests of citizens of other nations should be absolutely impossible.

A National Commission on Biological and Social Assimilation is needed. This should be a commission of expert biologists, physiologists and sociologists of international repute, and should be adequately financed. The results of such study should be embodied in national laws concerning (1) the intermarriage of individuals of different races; (2) the elimination by sterilization of those whose heredity renders procreation a menace to the nation; and (3) wise methods for Americanizing already compacted unassimilated groups of aliens.

There is no more intricate, and at the same time important problem confronting our country today than that of the intermarriage of the races.

We need rational national laws on this subject. It is absurd for California to have laws forbidding the marriage of Whites and Mongolians while Colorado does not. It is preposterous to make a crime in California what is perfectly legal in Colorado or Nevada. And the California law is of no practical effect, for she has to recognize the legitimacy of mixed marriages if performed outside of her own limits. If the California law rests on good scientific grounds, then it should be national; if it does not, then California should have no such law.

Systematic Education of Public School Children in Oriental History is another item in the writer's vision

of the new American Oriental policy. Indeed, for the general elimination of race prejudice education is needed in regard to the histories of all the peoples from whom immigrants come to our shores. Anthropological readers should be prepared, devoting one or more chapters to each race and people of whom representatives live in our land, written from an appreciative standpoint and setting forth the notable deeds of each. They should be well illustrated with fine engravings of the best representatives, dressed in modern European clothing in order to avoid those caricatures which are so common in pictures of strange peoples. Such readers would help the young to get over their spontaneous feelings of race antipathy.

The splendid deeds of heroism done by Jew and Spaniard, by Italian and Hungarian, French, German and English, Japanese, Chinese and Hindoo, should all be set forth with appreciation. Japan and China and India have had their illustrious histories no less than England, Germany and France. Should not the outstanding characters and achievements of these lands be taught to our young? George Washington, Abraham Lincoln, Benjamin Franklin, and many English and European heroes of progress and high ideals are known, not only by name, but also for what they did, to all in Japan who have had a secondary education, and to all the higher classes in elementary schools. How many in our land, even college graduates, could tell anything whatever of Shotoku Taishi, Kusunoki Masashige, Nichiren, Shonen, and other great leaders in Japan? It is high time that the study of Oriental peoples and histories should be introduced into our public schools. It would help greatly to race reconciliation, even as kindly and truthful histories of the Civil War have done much to reconcile North and South.

I now sum up the various items in the proposed new American Oriental policy:

1. American citizenship should be granted to every qualified individual regardless of race.
2. Immigration from any land should be allowed on a percentage rate of those from that land already naturalized with their American-born children.
3. There should be a Bureau of Alien Registration and Education.
4. The granting of naturalization should be vested in a Bureau of Naturalization.

5. There should be direct Federal responsibility for all legal and legislative matters in which aliens as such are involved.

6. A National Commission should be appointed to study and report on the problems of Biological and Sociological Assimilation.

7. Children and young people in public schools should be educated in Oriental history.

Such are the outlines of a comprehensive policy for the treatment of all races and nations and the care of all resident aliens in our lands. To some it may perhaps seem a misnomer to call this plan a new Oriental policy, for it advocates nothing distinctive regarding Orientals. True! And this exactly is the reason for calling it our New Oriental Policy. It is a policy which does not discriminate against Asiatics, and, therefore, it is new. It is new both as to its spirit and as to its concrete elements.

The early adoption of some such policy as this is important. Until the whole Asiatic problem is fundamentally solved by national legislation, there is every reason to anticipate further aggressive anti-Japanese legislation by the Pacific Coast states. Further discriminative legislation, however, would still further alienate the friendly feeling of Japan and render still more complicated and difficult of solution the international situation. The early adoption of the main features of this policy would assure California on the one hand that no swamping Asiatic immigration is to be allowed, thus securing what she demands. Anti-Japanese legislation would no longer be desired by any responsible section of the people, and the cause of international friction would be removed. The adoption of such a policy would also satisfy and even please Japan, granting the substance of what she urges.

As regards the Chinese also the situation would be much improved. The fairness, yes, the generosity of our policy, adopted by us with no pressure from her side, would serve to strengthen and deepen the spirit of friendship for America and render still more effective American influence in guiding that new republic through the troublous times that are surely ahead.

If America can permanently hold the friendship and trust of Japan and China through just, courteous and kindly treatment, she will thereby destroy the anti-white Asiatic solidarity. If America proves to Asia that one white people at least does not despise the Asiatic as such nor seek to exploit them, but

rather on a basis of mutual respect and justice seeks their real prosperity, they will discover that what they feared as the "White Peril" may in fact be turned into an inestimable benefit. And that change of feeling will bring to naught the military "Yellow Peril" now dreaded by the whites.

America's new Oriental policy would go far toward instilling new principles into other nations and thus help mightily in the promotion of universal goodwill and the permanent peace of the world. These, however, are the essential conditions under which each race, nation and even tribe can make its own peculiar contribution to the richer life of the world.

Even from the lower standpoint of commercial and economic interests the policy of justice toward and friendship with the Orient is beyond question the right one. Armed conflict, or even merely sullen hostility, mightily hampers trade success. Rapid internal development in China and a rising standard of life among her millions means enormous trade with America, if we are friendly and just. And unselfish friendship and justice on our side will hasten the uplift of China's millions. Our own highest prosperity is inseparable from that of all Asia. So long as friendship is maintained and peace based on just international relations, the military yellow peril will be impossible. In proportion as the scale of living among Asia's working millions rises to the level of our own is the danger of an economic yellow peril diminished.

Every consideration, therefore, of justice, humanity and self-interest demands the early adoption of the general principles of this new Oriental policy. It conserves all the interests of the East and the West and is in harmony with the new era of universal convergent evolution of mankind.

Is not this a policy in which American Christians can unite? Japan looks to American Christians to carry out, in our national life, the policy of international justice and friendship to which we are pledged; pledged by the fact that we are Christian people, and also by the fact that Japan opened her doors sixty years ago to the promises we then made of permanent friendship.

In discussing California's recent legislation, Count Okuma has stated that this problem of the relation of the races is not one that can be solved by warfare, diplomacy or legislation, but only by the Christians of America applying their Christian principles to the practical problems of international life.

There are 23,000,000 professed Protestant Christians in America. Can we afford to let this appeal of Japan go unheeded?

The Christians of this country, united, can carry out such a program if they will. Christianity itself is at stake. Unless American Christians unitedly bestir themselves to Christianize our national treatment of the Asiatic, not only the success of Christian Missions in the Orient, but the sincerity of the worldwide missionary enterprise of the church and the vitality itself of the Christian life of our country will be profoundly affected.

Such is the call which as an American missionary long resident in Japan I make to the Christians of America on behalf, not of Japan alone, but also all of Asia; nor yet on behalf of Asia alone, but of the whole world, including our own beloved land. For on the right attitude of the West to the East hangs the fate of the whole world for centuries to come:

“Then let us pray that come it may,
As come it will for a’ that,
That sense and worth o’er a’ the earth
May bear the gree and a’ that,
For a’ that and a’ that,
It’s coming yet, for a’ that,
THAT MAN TO MAN, THE WORLD O’ER
SHALL BROTHERS BE FOR A’ THAT.”

AN AFTER-WORD.

The outbreak of war in Europe emphasizes with terrible point the contention that international distrust and animosity lead to such development of armaments that it is only a matter of time till collisions occur. Two years ago the Balkan wars and now the whole European tragedy suggest what may happen fifty or a hundred years hence when Asia, armed and united and filled with fear of and hatred toward the white man, undertakes a war of vengeance and greed, and the white man either defends himself or retaliates.

If the armaments of Europe cannot guarantee peace between its own peoples, how can they guarantee the peace of the world, a world that has acquired the skill and the wealth made possible by modern civilization?

The problem of world-peace is the problem, not of peace treaties, arbitration clauses and Hague Courts, but of mutual goodwill and confidence among the nations. And this must now include the nations of Asia. How can this spirit be developed? If Asia fears and distrusts Christendom, Asia will arm. As Asia arms Christendom will increasingly fear and distrust her. Militarism will grow from decade to decade in every great land until a world conflict will be inevitable.

Does it not follow that the way to establish world-peace and to keep Asia from arming is for Christendom to act toward Asia in such ways as to make her trust us? But how can this be accomplished unless we **voluntarily** do her justice, keep our treaties and deal with all Asiatics who come to our lands in ways that we ourselves would like to be dealt by?

In a word, the international relations of nations, as of individuals, must be Christian if there is to be world-peace and wholesome growth. Nations must not only be just and honest, but they must be kindly and helpful in their international relations. This and this alone will evoke real goodwill and mutual trust between nations.

New York, Oct. 1, 1914.

No. 67.

BOOKS ON JAPAN

BY

PROF. SIDNEY L. GULICK, M.A., D.D.

EVOLUTION OF THE JAPANESE SOCIAL AND PSYCHIC

8 vo., fifth edition, 1905. \$2.00. Revell Co., N. Y.

The late *Prof. William James*—"I cannot withhold the tribute of my admiration. It makes me understand the Japanese as I never did before. It is a real pleasure to find a book that holds from beginning to end to psychological principles and to the realities of human nature. . . . A genuine work of interpretation and a model for future studies in ethnic character."

Prof. Edmund Buckley (in *American Journal of Sociology*, University of Chicago)—"This work presents the best description and the most searching analysis that has yet appeared of that unique ethnical phenomenon, the modern reconstruction of Japan. As description, the work constitutes a very treasury of mental characterization so classified as to require nearly all of the thirty-seven chapters of the work."

THE WHITE PERIL IN THE FAR EAST

(Published at the time of the Russo-Japanese War.)

Revell Co., N. Y. \$1.00.

The conclusions presented in this volume were gained from extended intimate acquaintance and conversation with Japanese men of affairs, with whom the author was in daily contact. He finds that the aggressiveness of the white race, their progressive civilization, the white man's greedy dreams of Oriental Empire, his haughty domineering spirit, are as real a cause of the war as the direct economic problems. There is a yellow peril for us, but it is not so threatening as the white peril for the Far East.

THE AMERICAN-JAPANESE PROBLEM

A Study of the Racial Relations of the East and West.
Charles Scribner Sons, N. Y. \$1.75.

A clear, impressive, and illuminating account of the situation in regard to the Japanese in California, and a thorough, scientific discussion of the possibilities of the Japanese in this country as immigrants and citizens. Dr. Gulick shows by illustration and argument the reasonable, honorable, and satisfactory solution of a difficult question. In a very interesting and entertaining way he discusses every side of the question, both from the Japanese and American point of view, and his conclusions, in regard to past events and future possibilities, are most valuable and important.

Japanese Pamphlets

HAWAII'S AMERICAN-JAPANESE PROBLEM

A DESCRIPTION OF THE CONDITIONS,
A STATEMENT OF THE PROBLEMS
AND
SUGGESTIONS FOR THEIR SOLUTION

BY
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Merchant Street

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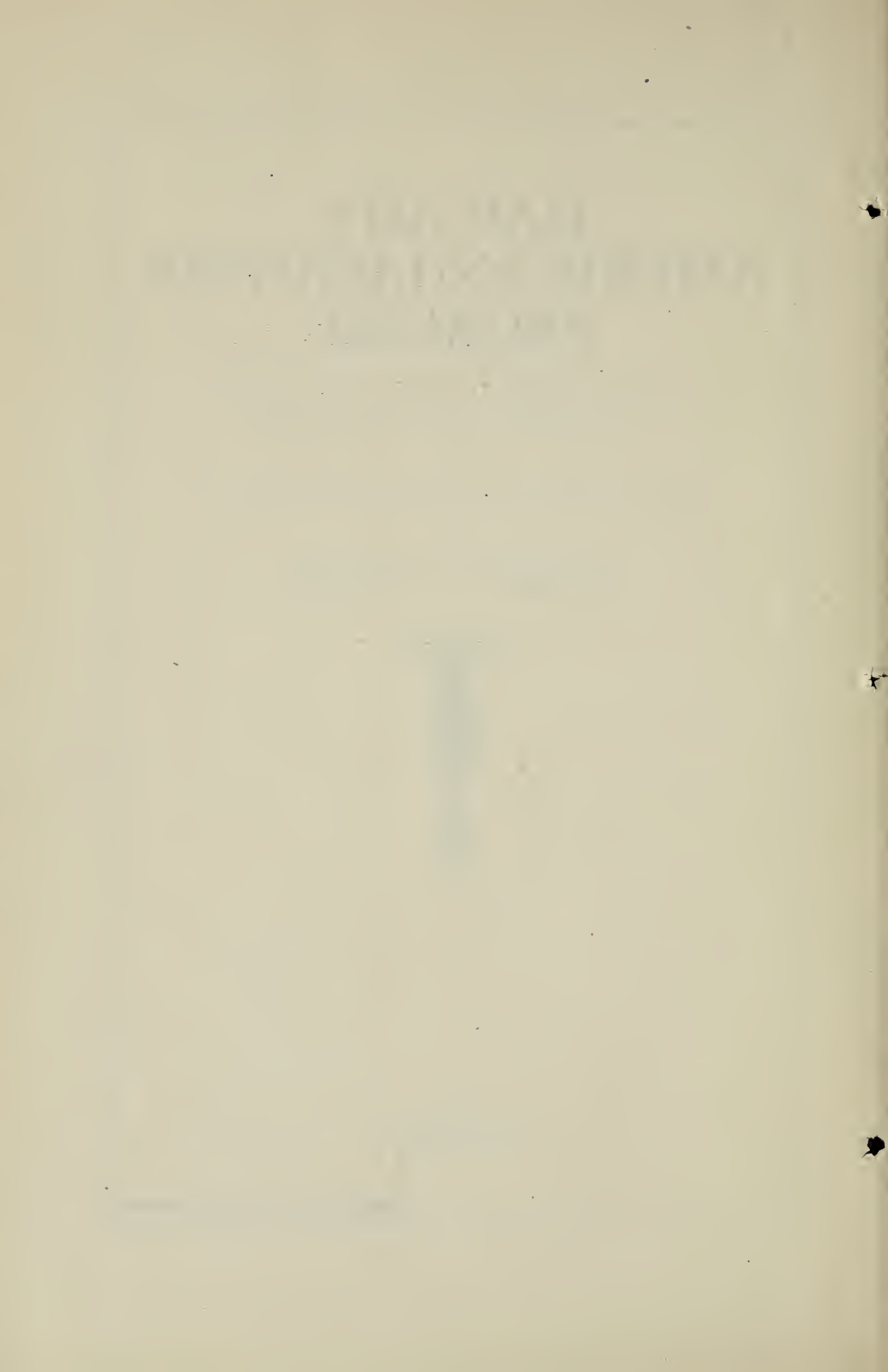
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PART I
FOR AMERICANS



HAWAII'S AMERICAN-JAPANESE PROBLEM

1. GENERAL INTRODUCTION.

The following discussion is the result of a visit to the Islands of Hawaii, Maui and Kauai covering a period of nearly two weeks (March 10-21, 1915). The plantations visited were as follows:

IN HAWAII.

Hutchinson Sugar Plantation Co.,	Kau
Hawaiian Agricultural Co.,	Kau
Olaa Sugar Co.,	Olaa
Onomea Sugar Co.,	Hilo
Hilo Sugar Co.,	Hilo
Waiakea Mill Co.,	Hilo
Honomu Sugar Co.,	Hilo

IN MAUI.

Wailuku Sugar Co.,	Wailuku
Hawaiian Commercial & Sugar Co.,	Puunene
Pioneer Mill Co.,	Lahaina
Maui Agricultural Co.,	Paia

IN KAUAI.

Makee Sugar Co.,	Kealia
Koloa Sugar Co.,	Koloa
McBryde Sugar Co.,	Wahiawa
Kekaha Sugar Co.,	Kekaha

The principal individuals with whom conversation was held upon the Japanese Problem in Hawaii were the following:

Mr. Geo. Gibb,	Plantation Manager.
" W. G. Ogg,	" "
" C. F. Eckart,	" "
" Wm. Pullar,	" "

Mr. John A. Scott Plantation Manager.

“ J. T. Moir, “ “

“ D. Forbes, “ “

“ F. F. Baldwin, “ “

“ L. Weinzheimer, “ “

“ Fred Meyer, “ “

“ Gaylord Wilcox, “ “

“ Frank A. Alexander, “ “

“ Andrew Adams, “ “

“ Geo. N. Wilcox, “ “

“ E. Cropp.

“ A. G. Hime, Assistant Manager.

“ Harold Rice, Assistant Manager.

“ A. Gross, Luna.

“ K. J. Zetdwitz, Timekeeper.

Dr. L. L. Sexton, Government Physician.

“ Wm. Osmers, Government Physician.

“ F. L. Sawyer, Plantation Physician.

Mr. Wm. Walsh, Manager Kahului Railroad.

Prof. J. S. Jernegan, Principal High School, Hilo.

Mrs. Fraser, Principal Largest Grammar School, Honolulu.

Mr. W. O. Smith, Secretary Planters' Association.

Dr. A. H. Waterhouse, Plantation Hospital, Koloa.

Mr. G. K. Larrison, Superintendent of Hydrography.

Rev. Frank Scudder, Secretary Japanese Department, Hawaiian Board.

Rev. Doremus Scudder, Pastor Central Union Church.

Rev. A. S. Baker, M. D. Agt. Hawaiian Board, Kona, Hawaii.

Rev. R. B. Dodge, Agent Hawaiian Board, Wailuku, Maui.

Rev. Hans Isenberg, Pastor Lutheran Church, Lihue, Maui.

Rev. Orramel H. Gulick.

Mr. J. K. Farley, Tax Assessor, Koloa, Maui.

Mr. R. L. Halsey, Federal Immigration Inspector.

Judge Lyle Dickey, Kauai.

Judge C. B. Hofgaard, Kauai.

The total number of individuals conversed with was 73.

The most extensive conversation covered some two hours, although the most of them rarely exceeded an hour; many however ranged from fifteen to thirty minutes. Conversations were also held with eight Japanese priest-teachers and with nine

Japanese Christian pastors. A conference of an hour was held with some twenty of the leading Japanese citizens of Honolulu, the subject of discussion being "picture brides" and the inter-marriage of Japanese born in Hawaii. A conference of over an hour was held with some eighteen leading American citizens of Honolulu, the subject being the probable effect upon Hawaii, should general immigration laws be passed by Congress embodying the 5 per cent restriction proposal with the consequent abandonment of the "Gentlemen's Agreement."

The total number of addresses and sermons given during the two weeks was eleven.

The one purpose of this extended trip and of these many conversations was to find out from those who have had long direct and responsible relations with Japanese, the results of their experience and thought, to get first-hand facts, to appreciate as fully as possible the problem of the Japanese in Hawaii as seen by these various individuals, chiefly Americans but also Japanese, to bring all the facts and view points to bear upon the larger problem of the international relations of the United States and Japan, and to consider whether additional activities are needed in Hawaii for the promotion of right international relations.

In the following pages, I desire to state in the briefest possible form, (1) the pertinent facts, (2) the pending problems and (3) various suggestions.

II. FINDINGS AND OBSERVATIONS.

1. The total population of the Hawaiian Islands, December, 1914, is estimated at 227,000 of whom 89,715 were Japanese, 24,550 were pure Hawaiian, 24,450 were Caucasian, 23,299 were Portuguese, 21,631 were Chinese, 14,992 were Filipinos and 14,518 comprised all the other races. The total number of births for that year was 5756, and of deaths 3707 of which the Japanese furnished 3039 births and 1296 deaths. In 1910, when the total population amounted to 191,909, the males numbered 123,099 to 68,810 females. Japanese males numbered (1910) 54,783 to 24,891 females. The amounts of money sent to Japan through the Post Office and banks amounted to \$2,800,000 in 1912, \$2,700,000 in 1913, and in 1914 to \$2,300,000.

2. The maintenance by Japanese of the purity of their race stock is one of the remarkable facts that merits consideration. The Report of the Registrar General for 1914 classifies by race the marriages of the year. Of 3,149 marriages 1,806 are Japanese-Japanese. One American married a Japanese bride as did also one Spaniard. One Japanese man married a Caucasian-Hawaiian, and three Japanese men married pure Hawaiians. These figures are in marked contrast to the inter-marriage of the other races. Of 210 American men 112 married American brides, 11 married pure Hawaiians, 25 married Caucasian-Hawaiians, 3 married pure Chinese and 4 married Chinese-Hawaiian women. Out of 102 Chinese men 31 married pure Hawaiian and nine married Chinese-Hawaiian women, only 58 marrying women of pure Chinese blood. While 1806 Japanese women married Japanese men, only two married out of their race, out of 806 brides of pure American, British, Hawaiian, Portuguese and Spanish blood 206 married grooms of other races than their own. I have not secured adequate statistics but considerable inquiry leads me to infer that out of the whole number of Japanese families in the Territory, in the vicinity of 30,000, there must be less than 100 that have married Hawaiians.

3. During the past seven years, due to the strict administration by the Japanese Government of the "Gentlemen's Agreement" no fresh labor immigrants have come from Japan. Thousands of women, however, have been allowed to come to marry husbands already in the islands. The result is that a large majority of the men (perhaps two-thirds) are married. While some abuses have doubtless attended the coming of so many "picture brides", yet the results on the whole are satisfactory.

The universal testimony of the Plantation Managers is to the effect that they prefer married men to batchelors, not merely or principally because the younger wives aid in plantation work, but chiefly because the men are more contented, more steady, more diligent, and more free from venereal diseases. In the employment of men and assignment of work, other things being equal, preference is usually given to men having families.

4. There is general agreement in the opinion that on most of the plantations no regular prostitution exists and also that the Japanese are more free from venereal diseases than any

other race. Some of the physicians and managers made amazingly strong statements on this point. In the city of Honolulu, however, the situation seems to be reversed, Japanese prostitutes being found in relatively large number. A recent investigation of the red-light district showed that out of 107 prostitutes, 82 were Japanese.

5. Examination in detail of more than a dozen "camps" showed that that name should be abandoned. They are villages rather than camps. A few plantations still use some of the old barracks. As a rule, however, they have been entirely given up. Each family has a home for itself; if the family is small, it has two rooms and a kitchen, two homes being covered by a single roof. Large families have an entire building. The houses have each its own plot of ground. In many cases these are cultivated; but the custom is still far from universal. The apparent indifference of so many Japanese families to the appearance of their homes, whether inside or without, is one of the surprises of my visit. Japanese peasants are distinctly inferior to Portuguese in this respect, though superior to Filipinos. Portuguese villages appear as a rule attractive, being well provided with trees and flowers, while Japanese villages as a rule are distinctly unattractive. There is however, much difference between the various plantations in this respect.

6. Particular inquiry was made in regard to Japanese financial relations. I learned that while work that lasted from two years or more, was given on regularly recorded contracts, contracts for shorter periods were merely verbal, covering work that would be completed in the course of a few months. The fine relations of mutual trust and good will displayed by this arrangement was highly impressive. The adjustment also of rates of payment, so that the laborer shares with the plantation the advantages or disadvantages of large or small crops and also of high or low prices of sugar, evinced the desire of the managers to deal fairly with labor and also the confidence of labor in the honesty and fair dealing of the managers.

The fact that while Filipinos, Portuguese, Porto Ricans, and others as a rule are given only day labor, the contracts are given largely to Japanese, speaks volumes for the superior ability and fidelity of Japanese labor.

7. The financial prosperity of the Japanese was also a cause

of surprise. In addition to wages, every laborer is provided free of cost a house, all tools, fuel, water and medical treatment. As already noted, during the past few years the housing arrangements have been greatly improved at a cost to the plantations of hundreds of thousands of dollars. Statements from Japanese working men show that while the minimum earnings for a year—receiving only day wages—amounts to about \$200, the total expenses of living for a single man amounts to about \$125, leaving thus a clear profit of \$75. A man and wife with two or three children at the minimum, earns about \$280 and spends about \$250, leaving only a small balance. Where a contract is taken the laborer still receives house, fuel, etc. free and his income and savings depend on his energy and skill. A man and his wife can earn as much as from \$50 to even \$80 per month. Exceptional cases run high. The highest earnings reported were those of two men who took a contract for the cultivation of a 25 acre field. The work was completed in 235 days and for that period they received \$1856.50, being \$3.95 per day each.

8. The system of making advance payments on contracts, as the work is accomplished and also of providing a yearly bonus for all laborers who remain throughout the year and work an average of 20 days per month, proves still further the desire of the managers to deal helpfully with their labor. Reports (not complete) show that during the three years of the operation of the bonus system, the total amount distributed was over half a million dollars. The amount of the bonus is made to depend on the average price of sugar and to be a definite per cent of the total earnings of the workmen for the year.

In 1912, 15,994 workmen received \$335,732, or \$20.99 per man.

In 1913, 14,934 workmen received \$48,716, or \$3.26 per man.

In 1914, 15,985 workmen received \$189,025, or \$11.20 per man.

It will be seen from these figures that the amount of the bonus per individual is not very large.

9. A question constantly asked concerned the tendency of children born in the islands to go on to the plantations. In Hawaii and Maui, the invariable answer was that only a few do so; the large majority leave for Honolulu and invariably

seek an easier life than that of their parents. In Kauai and Oahu however, many young people seem to be taking up work on the plantation. Plantation managers on the former islands regard with anxiety the future of the labor supply and would like to see fresh immigration from Japan and China, while those on Kauai have no such anxiety or desire.

10. I was much surprised at the number, equipment and fine locations of the Japanese schools. I judge that there must be more than 100, having an attendance of from 10,000 to 15,000 children. The teachers of the independent and Jodo Buddhist schools seem to be fair minded men, with some appreciation of their problems. The priest-teachers of the Shinshu (Hongwanji) Buddhist schools did not make a like impression upon me. The presence of these schools, with the temples and shrines of two or three of the most superstitious sects of Japanese Buddhism (Shingonshu and Daishi) may well cause a patriotic American student of the situation no little anxiety.

11. Of special significance is the universal testimony of Japanese that important changes have come over their fellow countrymen in the islands. Japanese laborers who have long been looking forward to a permanent return to Japan, are generally giving up the thought. They find their life here has unfitted them for life in Japan. It has become distasteful to them, socially and physically. Large numbers are accordingly settling down in their thoughts for permanent life in these Islands.

12. Whereas until a few years ago it was not generally expected by Japanese that their children born in Hawaii would stay here permanently, this is now generally acknowledged. It has been recently discovered by many that Japanese children educated in Hawaiian public schools, understand English better than they do Japanese. On their return to Japan, they are strangers, disliked and despised. Life for them there is intolerable, socially and economically as well as climatically. The number of Japanese children in the territorial public schools, out of a total of 33,288 in 1914 was 10,329, with 1,179 more in private institutions.

13. These changes of plans are producing a wide change of attitude among Japanese as to the question of securing American citizenship. Whereas until recently few thought of it or cared

for it, many are now seriously considering the disability under which they live, alienated from Japan by their life here and yet unable to acquire American citizenship. This desire for American citizenship has developed rapidly during the past two years, greatly stimulated by the addresses and advice given by Messrs. Hattori, Ebara, Soyeda and Ibuka, who in 1913 visited the United States at the time of the California Anti Alien Legislation.

14. Among the questions I constantly put to plantation managers and others dealing directly with Japanese was one as to their opinion of the capacity of Japanese for intelligent, high-minded and loyal citizenship. With but few exceptions, the replies were prompt and favorable. A few stated emphatically that Japanese as a whole would make better citizens than the majority of those we now have. Even those who hesitated, as a rule withdrew their objections when they came to understand the high standard of qualification that I am proposing as a condition for naturalization. The majority would be glad to see the law so adjusted as to allow Japanese to naturalize.

15. The large majority of those interviewed do not look forward with anxiety to the time when the thousands of Hawaiian born Japanese boys shall exercise their rights of suffrage. Several expressed the thought that there would be distinct advantage because of such a class of voters.

16. One of my questions elicited practically unanimous reply. All agreed that the enactment by Congress of a general immigration law of the nature that I have proposed, doing away as it would with the "Gentlemen's Agreement" and thus remove the restriction that now holds all Japanese aliens to Hawaii, might result in a rapid loss by the plantations of those Japanese who could get away, i. e., those at least who are unmarried. For this reason some consulted would prefer that in case such legislation is enacted, provision be made for treating Hawaii as a separate unit so far as immigration laws are concerned.

17. A question asked by many concern the number of Japanese who would qualify and become naturalized in case the laws allow it. In seeking a reply, we must bear several facts in mind. "The Gentlemen's Agreement" went into effect in 1908: at that date there were in Hawaii some 54,000 Japanese males; since then no new laborers have been admitted. Allow-

ing for deaths and those who have returned to Japan, we shall not be far astray if we assume at present that there are in the Islands approximately 50,000 males. We must also remember that the vast majority of Japanese in the Islands are peasants with exceedingly limited education in their own language. Considering how difficult it is for us to learn Japanese we gain some idea as to the difficulty for a Japanese to learn English enough to read a newspaper. In case a law should be passed granting naturalization privileges to Japanese, a definite standard of English would be prescribed. Remembering that Japanese plantation hands constitute the vast majority of Japanese men in the islands and that their opportunity and time and capacity for study are of the lowest, I conclude that in all probability not 5 per cent could possibly qualify. I venture the "guess" that in five years not more than 1500 to 2000 Japanese men born in Japan would have fulfilled the conditions and become American citizens.

18. Will Japanese become loyal American citizens and fight for America even against Japan, should war arise between our two countries? This question has often been put to me. My answer is as follows: Japanese are human and behave, in the main, like other people. Japanese Americans would probably be as loyal to America as, for instance, German-Americans, or Irish-Americans, for the practice of loyalty has been consciously developed in Japan as one of the essential virtues. In old Japan, a man who married into another clan was required by the principles of Bushido to fight for the clan of his wife, even against the clan of his parents, in order to show his wife's clan the quality of the manhood of the clan of his birth. In Japan also the principle of "giri" has been highly exalted in story and drama—the principle of duty in spite of natural feeling. In the case of a Japanese-American, his feelings would naturally prompt service for Japan, but his sworn allegiance would demand loyalty to America. While a few might falter, I doubt not Japanese sense of honor and duty (giri) together with his sworn allegiance, would prevail with the vast majority.

III. SOME PROBLEMS.

In studying the American-Japanese problem in Hawaii, I have tried to look at every phase of the question. I find several dis-

tinct yet inseparably related questions. There is the problem of the plantation and the laborer; there is the problem of the citizen—the problem of assimilating a vast number of Orientals, and finally there is the problem of the Christian—the giving of the Gospel to those of other faiths, and of no faith. To my mind the solution of the first and second is intimately connected with the success of the solution of the third. The difficulty of the task is due largely to the fact that a small minority is seeking to control, assimilate and Christianize a large majority. Abstractly speaking, it is impossible. Nevertheless in practice it is being done, through the public schools and through evangelistic work and through the just and kindly treatment of all the races by the government, by plantation managers and by the rank and file of the responsible citizenship.

1. THE PROBLEM OF THE PLANTATION.

The plantation as a dividend earning enterprise is interested only in the question of maintaining an adequate and efficient labor supply. Under the political and geographical conditions that exist in Hawaii, that supply cannot be ensured apart from the right treatment of labor. Fresh labor from Asia (except from the Philippines) cannot be procured now to any extent; nor can it be from the United States or Europe. The number of children growing up in the Islands, however, seems to offer an adequate supply, if only they can be induced to enter upon and continue plantation work. This will be no easy matter, for life in Honolulu and especially in the States will constantly attract young people away from plantation life. The more efficient and ambitious the young man or the young woman, the more likely are they to leave the country. The "Gentlemen's Agreement" now holds in the Islands only those born in Japan. As the young attain maturity and independence of parents will they take advantage of their freedom to go to the mainland?

Without further analysis of the conditions, it is evident that plantations need to bend their energies to the promotion of such conditions of life in their villages as shall serve to satisfy the aspirations of the rising generation and thus hold them in the Islands and to the plantations. This will require thought and expenditure, but from the economic standpoint it will pay and will therefore be justified.

2. THE PROBLEM OF THE CITIZEN.

Within a score of years the majority of the voters in the Territory of Hawaii will be of Japanese and Chinese ancestry. Will it be possible then to maintain a democratic form of Government? Will this Territory be Oriental or Occidental in its ruling ideas, ideals, motives and life? According to the ordinary principles and experience in the mixture of diverse peoples and races, the majority will rule in the language, customs, morals and religion. Can it be otherwise in Hawaii? Is the Territory of Hawaii to be essentially Asiatic in its spirit as well as in its blood or can it become essentially Occidental in its life of the spirit, while in blood and biological heredity it will inevitably remain Oriental? This is one aspect of the problem that interests a patriotic American citizen.

A second aspect concerns the loyalty to the American flag and ideals of its citizens of Oriental blood. How is their loyalty to be won and permanently maintained? Is Hawaii to be a seed-plot of sedition and maintained as an outpost of American territory and civilization only by the strong arm of the American Army and Navy? Or will all its citizens and residents, of whatever ancestry, combine to defend its sovereignty in a common loyalty against every foe?

The ideal is clear. How may it be realized in fact? How are the children of Chinese and Japanese, of Portuguese and Portuguese, of Caucasians and Hawaiians and Filipinos to be welded into a common life and a common loyalty? Can the Islands be permanently prosperous and happy unless such a universal assimilation is achieved?

Is not every class, every race and every business enterprise vitally concerned in the speedy promotion of complete social and political assimilation, that is to say, Americanization of the various races in the Islands?

3. THE PROBLEM OF THE CHRISTIAN.

The Christian Missionary of today has a larger vision of his work than was common a hundred, or even fifty years ago. He who has not kept in touch with the development of modern missions, little appreciates the changes that have taken place in this respect. The individualism that was so dominant in State, Uni-

versity and Church two generations ago, naturally prevailed also in the missionary world. But all have now gained a better understanding of man's real nature and inner life. Without disparaging the importance of the individual, all have come to see better the significance of the physical and the social. While the missionary accordingly never ceases his efforts to reach the innermost springs of individual life, where lie the secret sources of character, he also aims to transform the physical and social environment, for these have amazing influence in the purifying and enrichment of the individual heart and mind. The modern missionary concerns himself with the uplift of the entire life of an entire community, nay of an entire people.

That a man may be right towards his fellow men and that, in place of selfish ambition or unsympathetic indifference, he may be ruled by a spirit of loving service of loyalty and fidelity in every relation of life, he needs to come into vital union with Jesus, and through him into vital relations with God the Father of all men.

With the growing complexity of society, and the increasing liberty of the individual from all external constraint, each becoming so largely a law unto himself, the continued existence of democracy and of wholesome society depends increasingly on the existence and influence of strong Christian men and women.

Is it not axiomatic that the successful welding together of the many races now in Hawaii in such wise as to make possible the maintenance of genuine democracy, an honest suffrage and a pure home, with progressive victory over graft, lust, venereal diseases and alcoholism absolutely depends upon the substantial Christianization of the rising generation of Asiatics? They will hold the balance of power, if not the majority vote within two decades. If as Asiatics they maintain their traditional conceptions of God, nature and man; of male and female; of husband and wife; of parent and child; of ruler and ruled; of the State and the individual; the permanent maintenance in Hawaii of American democracy, of American homes and American liberty is impossible.

American and Asiatic civilizations rest on postulates fundamentally different and antagonistic. The two civilizations cannot be assimilated; but this does not prevent an Asiatic under proper social conditions from giving up his inherited civilization

and adopting the American. Exactly because Hawaii is the meeting place of so many diverse races is the propaganda and practice of vital Christianity the more pressing.

Some may argue that millions of Americans are not Christian and that therefore it is not needful that Asiatics must become Christians to become American.

Such persons forget that millions of Americans who never enter the churches or formally ally themselves with the Christian life, are nevertheless the products of Christian, not of Buddhist or Confucian civilization. They hold along with all Christians the characteristic Christian conceptions of "home," of "woman," of "liberty," of "individual rights," of "duty," of "children."

Moreover, is it not true that the millions of Americans who acknowledge no debt or allegiance to Christianity who "fear neither God nor man," who live exclusively for the pleasures of this life, constitute a grave menace to American democracy? Does not history show that when liberty runs to license, when men lose self control and sobriety, then they inevitably revert to some form of despotism or oligarchy. The most ominous sign confronting the United States today is the large number of lawless men who, of course, are not Christian.

The making of Hawaii into a genuine section of America, a section that upholds its best ideals as to government and home and the right and duties and liberty of citizens, a land that can rule itself, depends in no small degree on the giving of Christianity to its Asiatic population and especially to the Japanese, who constitute the most virile race in the Islands.

SUGGESTIONS.

In thinking over the situation confronting the Hawaiian Islands, because of its large Japanese population, several suggestions have come to my mind as to concrete methods of activity calculated to solve the problems. Some of these suggestions concern especially the plantation managers; others the Territorial government, and still others, the churches. I shall not, however, distribute my suggestions in this way, in fact, every one should be interested in every line of effort to promote better conditions of life among the laboring classes and the most complete Americanization of all the alien races.

1. MAKE PLANTATION LIFE WHOLESOME AND SATISFACTORY.

(a) *The Beautification of the Homes, Both Within and Without.*

For this, competent young women might be employed by the plantations, who could teach and inspire the mothers and children. One teacher would probably suffice for several villages. She could show pictures of the best plantation homes and thus inspire ideals and ambition. She might be supplied with flower seeds; she might offer prizes to children for best results; she might have suitable pictures for sale at wholesale rates; she might persuade families to paper the walls with cheerful wallpaper, provided by the plantation at minimum prices; she might inspire and organize village improvement clubs and persuade neighboring villages to enter into wholesome rivalry. She might be authorized to provide cement free for artificial ponds—a la Japanese—and lumber, at cost, for fences. She might suggest to tenants that permission could be secured from the plantation to put into the sitting-room a "toko-no-ma," or "honor place," with appropriate decoration. The men and children might be stimulated to cultivate fruit trees. In these ways the house would become a "home," and the camp be transformed into a true village. The instinctive longing of the human heart for attractive surroundings would thus be satisfied. These acquisitions, however, should be secured through the activity of the tenants themselves, not through that of the plantations. The teacher should be skillful in suggesting, but her words should not be directions or commands.

(b) *The Education of the Mothers.*

Much improvement in the homes, however, depends upon the education of the mothers. They should be given opportunity to learn to sew, to cook and to care for their infant children. Many improvements in the diet could be made without increased cost, if only they knew how. Mothers' classes and mothers' clubs might be highly serviceable, if only they had suitable leadership.

(c) *Utilize the Young Women.*

The suitable persons for the above mentioned service would be young women born on the plantations and educated in Hawaii, who could be induced to go to High and Normal Schools for

the purpose of preparing for this work. They would themselves need training. They should in preparation visit many "camps" and villages, see the best and become inspired to help their fellow-countrymen. Might not each plantation wisely employ one or two such persons? The plantations might even educate promising individuals on condition that they would serve a specified term of years, if needed, before marriage.

(d) *Provide Opportunity for the Intellectual, Social and Recreational Demands of the Young.*

Every plantation that desires to hold permanently its young people should provide wholesome ways of meeting their intellectual, social and recreational cravings. Baseball and archery fields should be supplied; Y. M. C. A. classes; Chatauqua and University Extension courses might be introduced under the guidance of experts. One leader or two for each island might be enough, employed by all the plantations. These would supply the demands of the ambitious young people for opportunity for self-improvement. The moving picture business should be wisely supervised, so as to serve educational as well as recreational purposes.

(e) *Encourage Investments.*

In proportion to their earnings, Japanese laborers have large sums for investment. Would it not be a valuable way of binding laborers to plantations in wholesome relations, to provide them with the best of opportunity for investment in plantation stock? This might be done in many ways, but I need not enter into details. If plantation stock is not available, might not the plantation nevertheless help the laborers to make safe and profitable investments?

2. PROMOTE AMERICANIZATION.

Thousands of the boys of all races, now on plantations, will become citizen voters in the coming decade. The future of the Territory will depend in no small way on the kind of citizens and voters this present generation of boys become. It is not to be assumed that the education they receive in the public schools, which they leave at 14 or 15 years of age, is adequate to prepare

them for citizenship. During the six or seven years after they get out from under the influence of their American teachers, the most of these boys will be isolated from English speaking Americans. They will be associated chiefly with men of their own race, imbibing, therefore, Oriental ideas as they approach manhood. The mere fact, accordingly, of American birth, public school education, and the requisite age should not be regarded as adequate qualification for the suffrage. For it is to be remembered that during the entire period of schooling, not only have they been in Oriental homes, but the Japanese at heart have been diligently drilled in Japanese schools by Japanese teachers, many of whom have little acquaintance and no sympathy with American institutions or a Christian civilization. To meet these conditions both the plantations and also the Territorial government might do much.

(a) The plantations might provide that among the intellectual opportunities provided for those in the villages, there should be classes in citizenship, its ideals, its duties and its privileges. These classes should be open to all. Japanese or Chinese, even those at present ineligible for citizenship, should be encouraged to attend, that they may gain the "social mind," if not the political status of citizens. Parents of boys who are becoming citizens should be urged to attend such classes in order to keep in sympathy with their children. All young men, even sons of American citizens, should be urged to attend such classes. These classes might be conducted for a few weeks each year—say in the month of June—so that those who finish the course may receive formal recognition as citizens on the Fourth of July.

(b) The plantations might provide for special celebration of Washington's and Lincoln's birthdays and the Fourth of July, arranging for suitable patriotic addresses and movies. To these all nationalities should be cordially invited. Not until the various races learn to celebrate with gusto and appreciation the distinctive American holidays, will their Americanization have gone very far. It is of the highest importance that among these diverse races there should be developed a common mind and community feeling. For this, few things are more effective than popular festivals.

(c) I can conceive of no more important or effective method for Americanizing our Oriental populations than by the skillful

use of the moving picture show. If the plantations should combine, they might employ an expert man, or two on each of the islands, who could visit the various plantations and villages, in turn, and in time completely transform the mind of the entire population. He should have courses of lectures and reels on American history—Colonial Times and Early Immigration; the War of Independence; the Civil War and its consequences; Recent Immigration, etc., etc. The education should also serve to acquaint the people with the principal events and meaning of European history—The Middle Ages—Feudalism—The Reformation—The Rise of Nations in Europe, The Rise of Constitutional Governments and Democracies—the history of Liberty.

But even more than this should be done. The Life and Teachings of Jesus and the standard stories of the Bible should be displayed in such ways as to set forth the fundamental moral and religious conceptions of Occidental civilization.

By the use of moving pictures (5 cents to adults and free to children) the entire Asiatic population would be unconsciously swept into the circle of our Occidental life. Parents would move along with their children in their acquaintance with our history and ideals. The chasm between parents and children now dreaded, and to avoid which the Japanese schools exist, would be largely overcome.

The man to give these lectures should, of course, be bilingual at least. Adults who understand little English should be addressed in their native tongues—Japanese, Filipino, Chinese, etc.

(d) Might not plantations establish playgrounds for the children and employ suitable persons to supervise and organize the games? The playground movement in the United States has proven that children learn much in wholesome social life by skillful adult supervision of their games. If such supervision should be rendered by Americans, the Americanizing process and power would be not inferior to that of the public school itself, for the children during the entire afternoon would be under American instead of Asiatic influence. There would be instilled into Asiatic children the characteristic American games which have so much to do with creating the "social mind" and the "social habits" of native-born Americans.

3. A SUGGESTION FOR THE TERRITORIAL GOVERNMENT.

So important is the thorough Americanization of the mixed population of the Islands that the Territorial Government should take every suitable step. Its public school system is already doing splendid work along these lines. It may be doubted if its schools could do more than they are doing. But might not the government make provision for still more effective work? My suggestion is as follows:

(a) Let a committee be appointed by the Governor, with an adequate fund, whose duty it would be to select or secure in some way, suitable text books on: (1) The History of the American People, (2) The Ideals of Democracy, (3) The Nature and Working of the American Government, and (4) The English Language.

These books should be made the standard of attainment for *all* young men who apply for citizenship, wherever born, whether of Asiatic or Caucasian parentage.

(b) Let the Governor be authorized to arrange for the selection of suitable persons in each school section to conduct *citizenship examinations* at suitable intervals during the year.

(c) Let the Governor be authorized to provide for special patriotic services on the Fourth of July and on Washington's birthday for all those who may have passed the required examinations, and desire to make public their entering upon the privileges and duties of citizens. On such an occasion why might not an oath of allegiance to the Stars and Stripes be made by each new citizen?

Until the above standards of qualification for citizenship are enacted by Congress, the laws suggested above could not be enforced by the Territorial Government on young men who were unwilling to submit to them. But even without Congressional action, the Territorial Government could take these steps, provide for the voluntary taking of examinations by the young men and develop a popular opinion that would sweep the whole population along. All young men, whether born of American citizens or of Asiatics should be expected, by popular opinion, to pass the examinations and take a formal oath of allegiance to the flag before casting their first ballot. It would be quite legitimate for the Governor to provide that no one who has not passed

the citizenship examinations could receive the citizenship initiation and take the oath on such special occasions. Prizes might be offered to those who pass the examinations with the highest average. Little American silk flags with the date woven into the fabric might be given to each new citizen taking up his citizen's duties on such an occasion. Banquets, banners, badges and pins with welcome orations and responses might make the occasion highly inspiring. In these and similar ways the Territorial provisions, though not in a technical sense laws, would nevertheless serve equally effectively—possibly more so.

4. THE JAPANESE LANGUAGE SCHOOL.

Many regard with solicitude the influence of the Japanese school on their pupils, for it is assumed that they develop a spirit of loyalty to Japan, which, of course, is assumed to conflict with the development of loyalty to America. This raises a question of no little difficulty. The evil of the Japanese school is probably not as great as most critics assume. It is to be remembered that the assumption is based on a priori grounds. Practically all the Japanese to whom I spoke on the subject stated that the Japanese schools do not interfere with the development among the children of American patriotism. It is certain that Japanese leaders are definitely seeking to make their schools contribute to, rather than to hinder the loyalty of their children to the United States. For the purpose they are now considering the revision of their Japanese school readers, so as to make them distinctly patriotic in the American sense.

5. AGGRESSIVE CHRISTIAN WORK.

Some may consider that Hawaii's Japanese Problem, so far as it concerns the Plantation Managers and the Citizen, will have been adequately provided for by the suggested activities of the preceding pages. Not so can he think who realizes that life on the plantation cannot be made deeply satisfying unless provision is also made for the deeper needs and higher cravings of the human heart and that an alien can not be truly transformed into a whole hearted American citizen unless he individually and consciously accepts the Christian ideals of personal responsibility,

of duty to God and to fellow men and openly avows his intention to live in harmony with these ideals.

For the complete success, therefore, of the proposals to make plantation life wholesome and satisfying and to transform Asiatic aliens into American citizens, the churches must make their own contribution, a contribution that is both unique and absolutely essential. In other words Christians must put forth adequate energy to provide the plantation villages with Christian advantages. The Christian work must be done wisely, so as to win both old and young. Beyond question the various activities already suggested along with the public schools, will serve to Christianize the people in general ways. The remaining need will be to promote such additional and distinctively Christian activities as shall crystalize the movement and lead individuals definitely to accept the Christian ideals and ally themselves with the local churches for the promotion of the Christian life in their respective communities. A church should be established as soon as possible in every village and to it should be attached every man and woman who personally accepts the Christian ideals and desires to live in harmony with the teachings of Jesus.

Until the Christian religion displaces the superstitious Buddhist sects, they will inevitably persist, for "man is incurably religious." But so long as they persist, the moral and political life of the community in which they flourish will inevitably correspond to their ideals and teachings. Christianity must go in and preempt the ground, providing more exalted ideas of God and man, a more ennobling morality and a life more satisfying to every sincere individual.

But the long persistence in Hawaii of superstitious Buddhism is improbable. It will doubtless die off with the present generation of Japanese who came as immigrants from Japan. Japanese children who have gone through the public school system are emancipated both from their parents and from their priests. Unless, however, they are won to personal relations with Christian churches they will continue to support the priests and the shrines in order to have their services for the burial of their dead.

The coming decade or two is a time of rare opportunity for Christianity. Many thousand young Japanese are on the point of reaching maturity. Shall they as a rule drift off into skeptic-

ism, irreligion and immorality, with all that that means of political danger? Shall the plantation villages become centers of irreligion, with increasing unrest? Or shall the Japanese youth, as a rule be won for Christ? If this rising generation of young Japanese can be won for Christ subsequent generations will largely take care of themselves. We are now reaching the formative period of the Hawaiian-Japanese community. What the present generation of young people becomes, will largely determine that of those who follow. Should this first generation become Christian, the villages as a whole will become Christian. Village life will be more satisfying and elevating, local politics will be more pure, democratic institutions more successful and the Americanization of the Asiatic population will proceed apace and ere long become complete. Should this first generation not be won for Christ, will it be possible in any large or general way to win their children? What kind of village life, either moral or political, may be expected of thousands of men and women, who acknowledge neither God nor Heaven nor moral law? What will be the consequences to the plantations and to the Hawaiian Territory, where such people constitute an overwhelming majority?

Such are some of the considerations that make the aggressive work of the Christian church seem so imperative just now.

What then are the steps that should be taken at an early date for the Christianization of the rising generation of Japanese youth? I venture a few suggestions:

1. Able pastors from Japan, one or two in a year, should be secured for visits covering from three to six months. In that time each should make an unhurried tour of all the plantations, preaching several times each in all the larger villages. The co-operation of the plantation managers should be secured and every influence exerted to make the results crystalize in every village into definite decisions and the upbuilding of the local Christian organization.

2. Special efforts should be made to reach the youth from twelve years of age and upward. It is to be noted that such young people, educated in our public schools, understand neither English nor Japanese perfectly, though their mastery of English exceeds that of Japanese. The Japanese sermons and addresses of Japanese pastors cannot for that reason have as much effect

as might be expected. This fact renders it imperative that Japanese pastors located for the regular work in the plantation villages shall be men equipped with both languages. No man can do the work needed—who is familiar with and speaks easily only one language, either Japanese or English. The language used by the youth on the plantations is a strange mixture of English and Japanese and will be so for a generation to come. It follows that men who are to serve effectively as pastors in villages must be Japanese who have attained free use of English and who in addition have been in Hawaii long enough to understand and use the Hawaiio-Japanese lingo. The present Japanese evangelists and pastors, who are not able to use English pretty freely cannot hold their places much longer, for they cannot reach the young generation now coming on. For these, religious services should soon be held largely, and finally exclusively in the English language.

3. Effort should be put forward to find promising young men and women, born and educated in Hawaii, to enter Christian service as a life work. Such individuals should be aided in their education. Privilege of study in the States should also be given them, if they are to reach the highest efficiency.

4. Until the supply of Hawaiian-born and educated Japanese in the Christian work is fairly adequate, the deficiency must be met from Japanese-born and educated Christian workers. Has not the time come when such workers must be given opportunity to become fairly proficient in English? Such proficiency, however, cannot be secured by them while in the regular work in the Islands, except perhaps those in Honolulu. They have little opportunity either to hear or to use English. It follows that those Christian workers that have approved themselves by years of faithful service, should have the opportunity of study and acquisition of English by the grant of a furlough, with means for travel to and for study in California. The individual so aided would, of course, be under obligations for further service in the Islands.

5. In this connection the problem of the salaries paid to Japanese Christian workers merits serious consideration. At present the average monthly stipend of a Japanese evangelist exceeds but slightly the wages paid to the cheapest plantation workman. The ordinary contractor can earn far more than any Japanese

evangelist. The real question, however, is not a question of comparative earnings, but of scale of life and expenses. From this standpoint, the present allowances made to pastors is wholly inadequate. Not only must they dress themselves and their families on a scale not needed by plantation workers, but their social expenses must be much heavier. Pastors, moreover, should be provided with religious papers and books and should meet periodically with co-workers for intellectual uplift and spiritual inspiration. All this demands expenditures which the present scale of salaries does not allow. The average Japanese pastor receives a salary less than that paid by the public schools to their cheapest teachers. Japanese young women who have graduated from the Normal School, step at once to a salary nearly twice as much as a pastor receives, and on which he is expected to support his family creditably, and to do his work. Until a more suitable scale of salaries is provided for Japanese evangelists and Bible women, the Christian forces of Hawaii should not expect to secure an adequate body of competent workers for this highly important and difficult work.

6. But how shall adequate support for Christian workers on the plantations be secured? The thought naturally occurs that such pastors and Bible women should be largely if not wholly employed by the plantation for carrying out the activities suggested on pp. 12-23. By combining the various services of friendly aid, inspiration, education and recreation, the pastors and Bible women would have an access to the homes and an influence over the young and old alike, otherwise impossible. In view of the great help they would render the plantations by making life for the workers wholesome and satisfying, the plantations would be justified economically in providing adequate financial support, and by such financial support and varied and responsible work, a grade of educated and properly equipped Christian workers could be secured for the villages that would not otherwise be procurable.

7. A serious problem for Christian workers to face is that raised by sectarianism. It is evident that no plantation village should be afflicted by rival churches. While the present comity arrangements between some of the Mission Boards should not be relaxed, the question naturally arises whether the present arrangements are adequate. Might not the entire aggressive work

in any one Island be entrusted to one Mission Board, and that in another to another? In this matter of comity, might not the plantation managers aid the churches and missions to arrive at a reasonable and economic working policy by insisting on aiding only such missions and churches as accept and abide by the comity arrangements adopted?

CONCLUSION.

Such do I conceive to be the American-Japanese Problem as it exists in Hawaii, and such do I conceive to be the methods of solution. Solved in this way, by provision for the complete Americanization of all Japanese in Hawaii, these Islands will make their important contribution to the solution of the question in the mainland and thus to the promotion of permanently satisfactory relations between the United States and Japan.

PART II
FOR JAPANESE



I. INTRODUCTION.

The future relations between Japan and America may be much helped or injured according as the Japanese in Hawaii take their part or fail to take it, in promoting right conditions among themselves. Before offering the suggestions that have come to me, a few explanations should be made in regard to the present situation.

In the month of March, 1915, I spent nearly two weeks visiting plantations in the Islands of Hawaii, Maui and Kauai. In that time I visited fifteen plantations and discussed the entire situation with the managers. I also discussed the Hawaiian-Japanese question with some sixty other representative Americans. I examined a number of Japanese Schools, conversed with eight Japanese teacher-priests and about a dozen Japanese Christian workers.

My purpose was to study the Japanese-American problem from the standpoint of an American citizen seeking to promote wholesome relations between our two countries. I was the more earnest in making this investigation because many in the United States look with grave solicitude on the presence in Hawaii of so many Japanese and Chinese.

The results of this rather careful investigation are altogether favorable. The plantation managers expressed unexpectedly high appreciation of the Japanese laborers as a class. The energy, ambition, intelligence and faithfulness of Japanese labor was uniformly recognized. The testimony was not so uniform with regard to financial matters, some Japanese having resorted to tricks and deceptions. In this respect alone were Chinese laborers represented as superior. The word of Chinamen in financial matters seems to be universally regarded as having higher value than that of any other race. There seems to be a tendency of Japanese to purchase on credit and then to escape payment. While many plantation managers would like to see opportunity for naturalization given to Japanese immigrants, a considerable number of the American gentlemen interviewed are not altogether certain that it would be advantageous.

If Japanese in Hawaii are to take their part in promoting right relations between our two countries, it is important that they should understand clearly what America is, what its ideals are,

what Americans desire and what kind of conduct on the part of Japanese will promote good-feeling and thus friendly international relations. To aid in this, I venture to give first of all a brief statement of some of the distinguishing characteristics of the American government and people.

II. CHARACTERISTICS OF AMERICA.

1. The United States is a federation of sovereign states. In all local matters each state is completely self-governing, neither Congress nor the President having any authority in the matter. The Federal Government has only such authority and sovereignty over the several states as has been specifically given to it by the Constitution of the United States. Among these is the power to make treaties with other nations and to declare war or make peace. In these matters the States have surrendered their powers to the United States.

2. In each state, the government rests upon the will and action of the people. There is no ruling class. All adult males are voters. In some states the women also are given the suffrage. Each state decides for itself such matters. Every citizen is supposed to have a responsible part in promoting the welfare of the State. For convenience of administration, certain duties are assigned to certain individuals for a specified length of time. This selection of individuals for administrative offices takes place by voting. Every individual is eligible for any post of responsibility, provided he has the right age and has certain specified qualifications. In other words, the ideal of the government of the nation as a whole and also of each State is thorough going democracy. In the American system of government, there is no place or provision for a class that has no vote or no responsibility. Where such conditions have grown up, as among the negroes of the southern states, it is contrary to the American ideal and is a source of great trouble and of increasing anxiety. Our ideal is that every adult man, sane and responsible, is also a citizen having the privilege and under obligations to share in the government, both of the State and of the Nation.

3. In addition to States, there are two territories, Alaska and Hawaii, where the local government is more or less directly controlled by Congress. The Governor is appointed by the President. The people of a territory are allowed certain privileges of self-government, but not all. A territory is regarded as in a stage preparatory for Statehood. The United States desire that each territory shall qualify for statehood as rapidly as possible. For this, however, there must be adequate population and of a character, education and temper that will enable it

to understand and administer successfully the institutions and methods of democracy.

4. The people of the United States have come almost exclusively by emigration from the nations of Europe. The earlier emigrants came largely to escape religious and political oppression and to secure freedom. Gradually economic motives prevailed and they then began to come to gain a share in the illimitable opportunities of the new continent.

5. The vast majority of the immigrants came with their wives and children and all the property they could bring. They cut entirely loose from their native lands and promptly identified themselves with the interests of the land of their adoption. This has been especially true during the past century. Their children have acquired the English language and have not been taught in the language of their parents. America as a whole has welcomed immigrants of this character.

6. Among the fundamental characteristics of American civilization by which it is sharply distinguished from that of Japan are the following:

(a) Every adult, responsible male, who is not a criminal, shares in the government. It is a government "of the people, by the people, for the people."

(b) It follows that political authority is vested in the people not in any ruling family or class. Every one is responsible for good or for bad government.

(c) This does not mean, however, that there is political license—that every man can do whatever he wishes. The methods of political action are strictly determined by the constitutions of the Federal Government, and of the several States, and by National and State laws passed from time to time in harmony with the Constitution.

(d) All political actions are determined by majority votes, and all the people agree to follow the expressed will of the majority.

(e) This character of the American Government requires that all the people shall be so educated and of such a moral character as to work such a system intelligently and honorably. Each man should vote independently. Blind, unintelligent, purchased, and race voting, is contrary to the principles of our Government. Such voting and such voters not only make the

government ineffective, but endanger the permanence itself of the democratic form of government.

7. Further important characteristics of America are the following:

(a) *The Family*. One husband and one wife with their minor children constitute a family. Marriage is decided by the two individuals concerned and not by parents or go-betweens. This does not prevent the advice of parents, but parents do not have the final decision. Marriage is for life. Divorce is not only a disgrace but a great wrong, alike to children and to society. Children of course honor parents throughout life. But parents should respect children, they do not have absolute right over them, such for instance as to compel them to do wrong. A parent may not sell a daughter into a life of prostitution, nor a husband his young wife. Concubinage is a crime. Adult children are free to establish their own independent homes.

(b) *Children*. While adult children should ever love and honor their parents, and in advancing years if poverty or sickness afflicts them, should care for and protect them, yet in matters of business, in political affairs or in their home, adult children are free from the obligation of obedience to parents. Each adult child should exercise his own independent judgment and live his own life of responsibility. Children, even though minors, may not do wrong at any time at the command of parents. Children who are minors are of course subject to their parents and should loyally love and obey them. Obedience to parents is one of the cardinal virtues.

(c) *The Status of the Sexes*. A woman is regarded as the equal of man. While each has the peculiar characteristics and duties due to sex, each is to be given equal honor and respect. In matters of moral relation the same standards of purity and chastity are demanded of men as of women. It is a serious moral crime for men as it is for women to indulge in lust.

8. *The Sabbath* is a characteristic fixture of American life. Economically it is a day of rest from daily toil. In this sense it is universally observed. It is also the day devoted to the upbuilding of moral and spiritual interests of the individual, the community and the nation. The more faithfully it is observed in this respect, the more wholesome is the life of the people.

9. *Business Morality.* Americans lay great stress on the moral value of a promise and of absolute truthfulness. To be true and honest is more important in the scale of virtues than to be polite. Absolute sincerity is the foundation of all virtues. It is the essential basis of noble manhood. To call a man a liar is more insulting than to call him a coward. The entire structure of American business rests on credit. But credit vests upon truthfulness in word and deed. Competition in business is a matter of course. But it must be straightforward and above board. Under-handed, sly or tricky methods of gaining advantage, through deceit of any kind, are scorned. Chinese have the reputation of being the most honorable Asiatic business men with whom Americans deal.

10. *The Bible.* If any one asks the source of the moral and spiritual life of America, there is only one possible answer,—the Bible. Even the political life of America is the product of centuries of efforts to incorporate the fundamental teachings of the Bible in practical life. Those in America who ignore or belittle or despise the Bible are the ones who tend to break away from moral life and who bring disgrace on their families, ruin into society and danger to our political institution.

I do not for a moment contend that all Americans faithfully observe the principles and ideals mentioned above as fundamental characteristics of American civilization. There are many immoral, tricky, irreligious and truly unpatriotic Americans, who sell their votes; who are dishonest in business, who dishonor their parents, disgrace their wives and children and ruin their homes. These, however, are in the minority. America is what it is not by their aid, but in spite of their evil deeds. They constitute a serious menace to our future. We accordingly wish immigrants to our land who will follow our best principles and imitate our best representatives, not our worst,—immigrants who will help us to maintain and carry out to success our great experiment of true democracy in which each man counts for a full man with full responsibility.

Immigrants who do not wish to accept our best ideals, and who will not cordially help us in carrying to success a government "of the people, by the people and for the people," cannot be welcomed to our shores.

Hawaii and California are the two places in which oppor-

tunity is being given to Japanese to show whether or not they will aid or hinder true democracy. The question is to be answered by those Japanese who are now in America—for not many more can come to America, at least for the present. The answer will be made clear in the coming twenty to thirty years. If Japanese in California and Hawaii welcome real and full Americanization and make efforts themselves to realize it, the future relations of America and Japan will grow even better. If those Japanese in America and their children fail to be Americanized in the best sense of the word, the future relations of our two lands are not very bright.

III. HAWAII'S PROBLEMS.

If instead of the Japanese, Chinese and Filipinos in Hawaii, there were an equal number of British, Germans, Scandinavians, etc., the majority of them would already have become American citizens, and without doubt Hawaii would have been made a State. The presence of so many Asiatics creates many problems.

1. There is first of all the problem whether Orientals can understand, appreciate, and administer loyally and honestly a democratic form of government. Doubt is widely held by many students of Oriental countries. Hawaii is the first place where the experiment is being made as to whether or not it shall be a success. It behooves the Asiatics in Hawaii to make every effort to fit themselves for the experiment.

2. There is widespread doubt in America as to the possibility of Asiatics becoming genuinely Occidental—genuinely American, in their minds and hearts. This belief is expressed in the well-known phrase—the non-assimilability of the Japanese. It is honestly believed by most Americans that though Europeans can become loyal Americans, accepting the ideals and practices of democracy, Japanese especially are unable to do so. Japanese are always and everywhere Japanese, loyal to their Emperor, for generations untold. This they urge is the fundamental reason why Japanese should not be admitted to the United States. By their very nature and their most admirable virtues they are unalterably Japanese and cannot therefore become loyal Americans.

3. Evidence of these assertions is presented. Japanese im-

migrants, it is said, do not come like those from other lands, with wives, children and property. They come rather as day laborers, to earn large money and all plan to return with it to their native land. When, after many years, they do bring their wives and plan for long residence, they still plan eventually to return. Their children, moreover, it is stated, they do not wish to become Americans, although by birth in America they have the right. Japanese alone of all the immigrants educate their children most earnestly in their national language and customs. The Japanese school, it is urged, is proof that Japanese parents do not wish their children to be fully Americanized. Moreover although Japanese had full opportunity until 1906 to become American citizens by naturalization, practically none availed themselves of that opportunity.

4. Many Americans in Hawaii, and in the States, look with grave concern on the problem soon to arise when the thousands of Japanese boys born in Hawaii, begin to apply for citizenship privileges and then to vote. What preparation have they for these duties and privileges? Are their hearts American or are they essentially Japanese? Will they be loyal to the American ideals of democracy or will they vote in a mass and for exclusively Japanese interests? Will they regard Hawaii as truly American or rather as a colony of Japan, in fact though not yet in name? Will their parents seek to exercise over their sons when they vote, their parental authority? Or as in America will parents regard their grown up children as free to decide their own lives and votes?

5. Japanese in Hawaii will soon have a fine opportunity to prove whether or not they are really assimilable by Americans and whether or not they are capable of appreciating and administering democratic government. One fact is pretty clear that the experiment will be greatly facilitated if the leaders and creators of Japanese public opinion in Hawaii and in Japan fully understand the nature of the opportunity that is before them and faithfully do their part in making the experiment a success. The Territorial Government of Hawaii and also the entire citizenship is doing splendidly, providing as favorable a condition for Asiatic assimilation as can be easily imagined. Whether the experiment shall proceed rapidly or slowly depends on the Japanese themselves. The more rapidly and successfully

it proceeds the greater the help it will render to the establishment of permanent right relations between Japan and the United States as a whole.

IV. SUGGESTIONS.

To aid Japanese in Hawaii really to understand America and enter into its life, the following suggestions are offered. I write for those who have decided to remain permanently in the United States.

1. The first and most important step of all is to master the English language. Not until a foreigner has acquired so much of English as shall enable him to read easily the daily newspaper can he follow the movement of thought and interest of Americans or be able to take an intelligent part in the life of the people.

2. As soon as possible, he who would really enter into American life, should read several histories of the American people—histories of the early days and struggles, of the War of Independence and the Civil War. Biographies also should be read of Washington, Lincoln and Franklin. Of course study should be given to the nature of the organization of the American environment and to such descriptive books as Bryan's Commonwealth. National novels should also be read, such as Uncle Tom's Cabin.

3. No intelligent American relies exclusively on the daily paper for his news or its interpretation. There are many important weeklies and monthlies such as the New York Outlook, the Independent, the Review of Reviews, the Literary Digest, the World's Work, etc.

4. What is the duty of Japanese parents in the education of their children? That depends on what plans they have for their future. If the children are born in Hawaii, and their birth has been duly registered, those children are entitled to become full citizens. It is important that the parents decide early what they plan for them. If the parents do not wish them to become genuine Americans, then they should send them back to Japan while still six or seven years of age, that they may get a complete Japanese education and be fitted for life in Japan. If the children remain in Hawaii till 12 to 15, they will find it difficult

to become a Japanese and after 15, almost impossible. They will almost inevitably be queer Japanese.

5. If, however, the child is to grow up and become an American, then it must be done in the most whole-hearted and thorough way possible. At the very best it will be a difficult matter, for although the boy or girl may go to the public school and learn English there, he is living in a Japanese home, speaking the Japanese language and receiving many Japanese ideas and customs. On the plantation, the child will have almost no opportunity for associating with Americans, receiving American ideas and adopting American customs. Playing with Japanese, Chinese or Hawaiian children the influences received will be mixed but certainly not American.

If the child goes to a Japanese language school, morning or afternoon, his "Americanization" is still further retarded, for his teachers are Japanese, who are men less Americanized than himself. Their influence upon him is certain to fasten firmly on his inner life the conceptions and ideals that control social life in Japan and which are in marked contrast to those that control the best life in America. Parents therefore who expect their children to remain in America and become good American citizens will need to take great pains to give them every advantage and utilize every facility. If they are to become Americans, let them become Americans of the best sort.

(a) In case it seems necessary to send children to Japanese language schools, parents should see to it that the teachers there employed are themselves not only well acquainted with American ideas and customs, but are also in sympathy with American ideals, and seek to live in harmony with them. In every American-Japanese school there should be fine portraits of George Washington and President Wilson.

(b) Parents should seek to keep up with their children in acquiring English. They should approve rather than frown upon the adoption of good American customs. It is necessary to say that rudeness, disobedience and irreverence are not American ideals, even though all too common among certain classes of so-called American children.

(c) Parents should encourage their older children to attend classes giving specific instruction in American citizenship. The parents themselves might well attend such classes also, that

they too may understand America and keep step with their children in the acquisition of citizenship.

(d) Parents should approve the celebration of American holidays by their children and as far as possible share in them. On the other hand, is it wise to celebrate distinctively Japanese festivals? What interest in or enthusiasm for Tenchosetsu or Kigensetsu, or Shokonsai, can Americans have? The enthusiastic celebration of such festivals by Japanese is the cause of doubt by many Americans as to the possibility of assimilating Japanese. Do not such festivals prevent the development of a feeling of complete unity in the community?

6. For the best and most complete understanding of American conceptions, ideals and character, and for a real acquisition of the same, nothing can be compared with a study of the Bible. Here we find embedded in simple story and easily understood teachings, all the characteristics, ideals and conceptions that have made America to be what it is, conceptions as to God and nature, God and man, husband and wife, parent and child, truthfulness, purity, moral courage, liberty, equality and fraternity. Here we find described in charming form for the most part intelligible even to children the life and words of that man of Nazareth who so lived that for two thousand years everyone who has come to know him has been unable to think of God's character as other than that disclosed in Jesus. Whosoever is seriously in earnest to understand America should by all means master the Bible and become familiar with the type of manhood it has produced throughout the centuries—Luther, Calvin, the Reformers, the Pilgrims who established New England, the Abolitionists, the Prohibitionists. The political and religious ideals and organization that exist in America have been secured, established and maintained only at great cost. Whoever would understand America must understand these. This, however, is impossible without a mastery of the Bible, and virtual acceptance of its ideas and ideals.

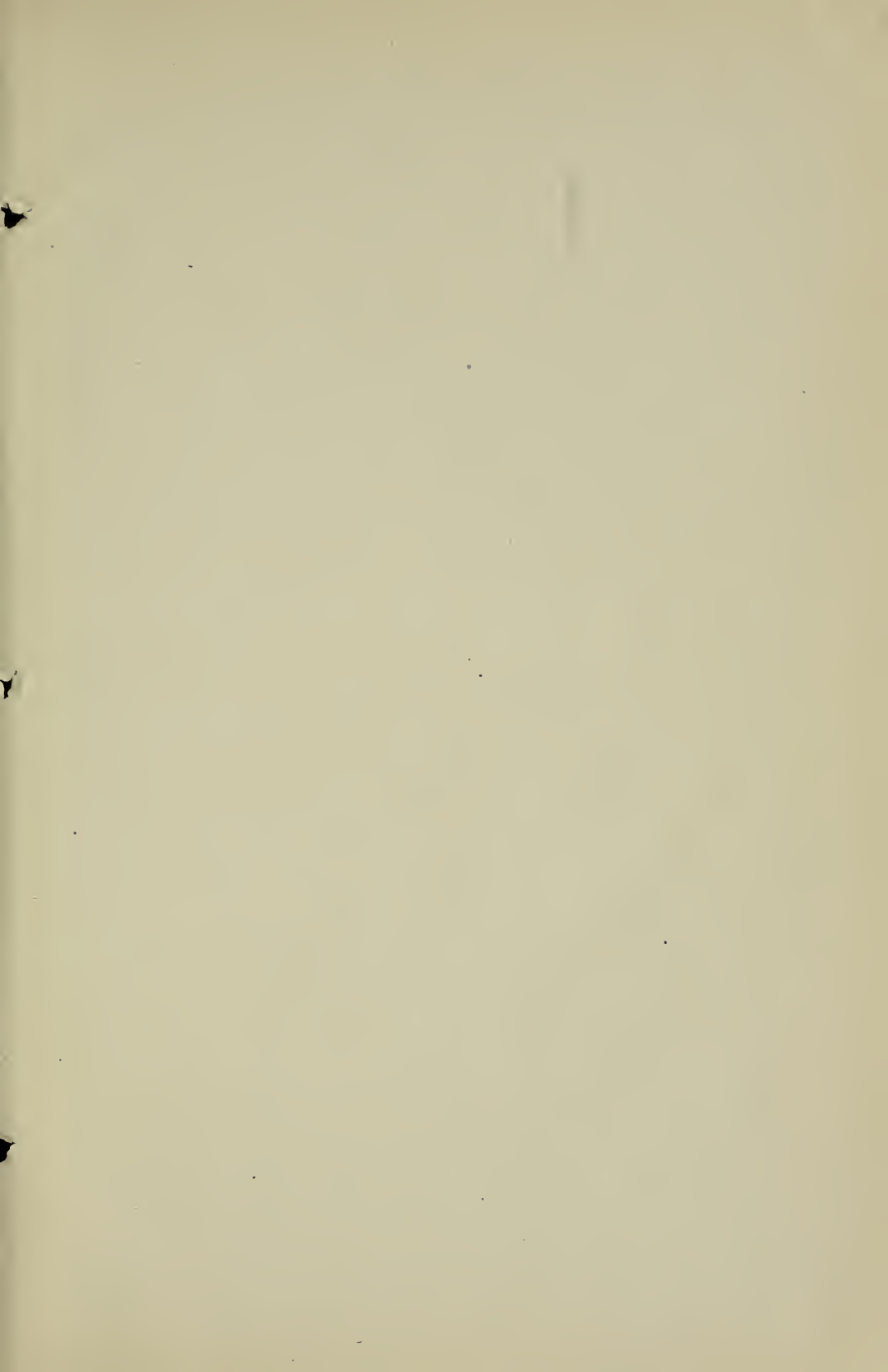
7. The Bible is not to be understood by one cursory reading. While one rapid reading may be highly valuable, much experience shows that its daily, slow, meditative study is of the highest value in order that its principles and motives of life may sink deep into the heart. Let him therefore who would enter completely into the American life, make it a habit to attend

some Christian service regularly week by week, associate with spiritually minded Christians and spend a few moments daily in scripture reading and in Christian prayer.

8. And in giving to American-born Japanese children the best American life, let parents see to it that their children attend the Christian Sunday School and Church services and as they grow up, let them be encouraged to become sincere Christians.

CONCLUSION.

At present, it is true, Japanese not born in America may not become American citizens by naturalization. The instinctive feelings of most Americans on this point are not without reason. To remove these feelings, Japanese in America must show that as a matter of fact, they do respond to and approve the fundamental principles of the American Commonwealth, and its ideals and practices of democracy. Even though at present, Japanese may not secure the suffrage and actually vote, yet they can train their children to become loyal Americans and to adopt its best ideals. And whether or not they themselves may cast the ballot, in every other respect, it is possible for them to become Americans in spirit, ideals, and life. In proportion as the number of Japanese who actually do this increases will the instinctive hesitancy of Americans subside and the day come when immigrants from Japan will be as welcome to America as those from other lands.





STUDIES IN SOCIOLOGY

SOCIOLOGICAL MONOGRAPH No. 16

VOL. IV

JUNE 1920

No. 4

EDITED BY EMORY S. BOGARDUS
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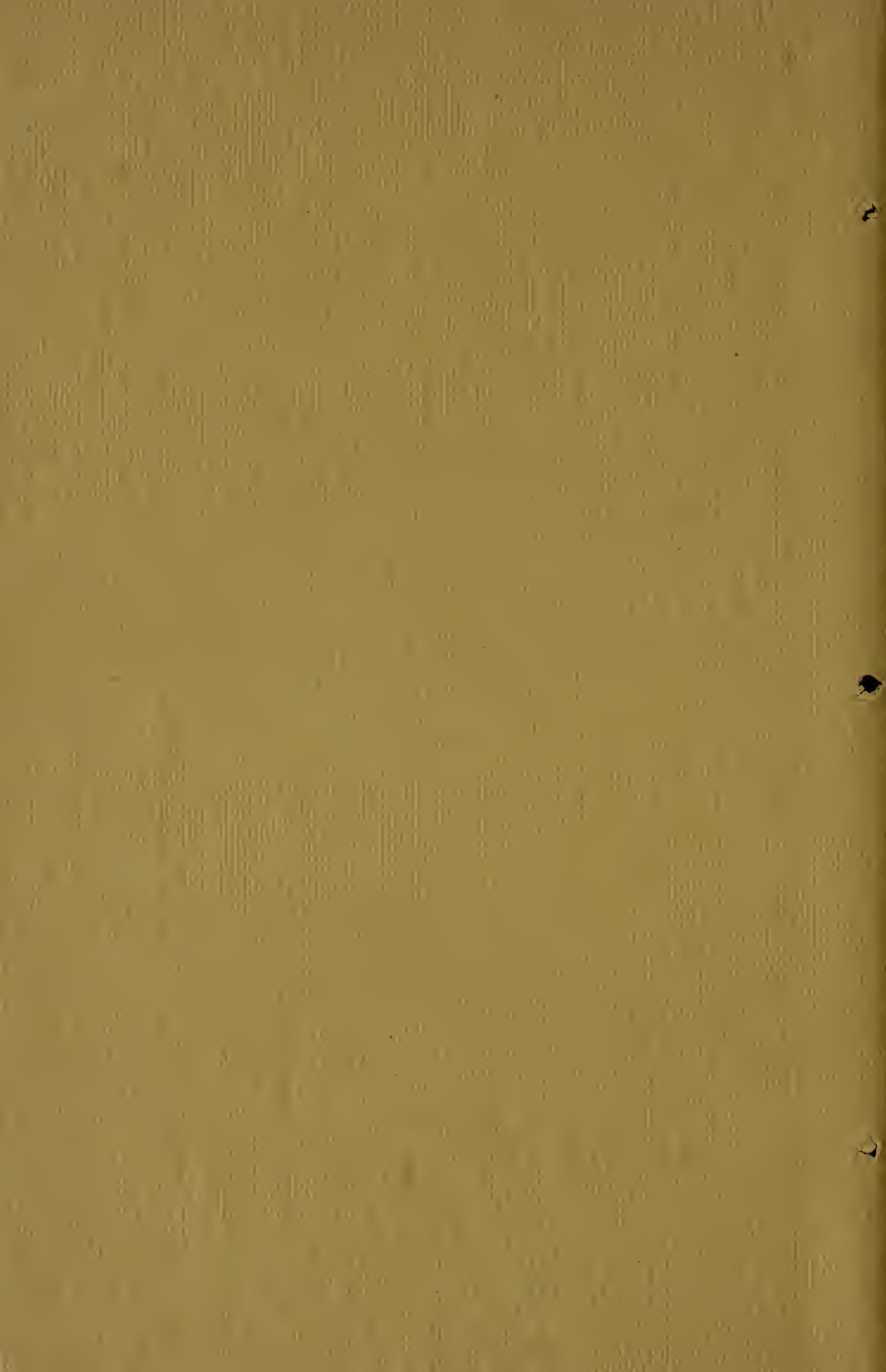
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Published by the Southern California Sociological Society
University of Southern California
Los Angeles, California

CALIFORNIA STATE LIBRARY



THE JAPANESE IN RURAL LOS ANGELES COUNTY

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This study relates to the Japanese who are living in Los Angeles County outside incorporated cities. There are about 440,000 acres of land under cultivation in the County. Of this acreage, the Japanese control through lease, approximately 38,000 acres, and through ownership, 3,100 acres. The leases, according to the California Alien Land Law of 1913, run for three years or less. The Japanese population in rural Los Angeles County is estimated at 10,000.

On the land which is cultivated by the Japanese, the crops are divided as follows:

TABLE I

Vegetables	25,500	acres
Beets	6,500	"
Hay and Grain.....	3,400	"
Berries	1,300	"
Deciduous Fruits.....	800	"
Citrus Fruits	100	"
Grapes	45	"
Miscellaneous	3,455	"
Total	41,100	"

¹EDITOR'S NOTE—Mr. Ralph F. Burnight was born in Pasadena, California. He received the degree of Bachelor of Arts from the University of Southern California in 1918 and is a candidate for the degree of Master of Arts from the same institution in June, 1920. At present, Mr. Burnight is assistant in Sociology.

As a member of the National Guard of California, Mr. Burnight was called into service of the United States, March 26, 1917, with the Medical Corps, Seventh Regiment of Infantry, National Guard of California. This unit became a part of the 40th Division at Camp Kearny in September, 1917. Mr. Burnight was transferred to 115th Sanitary Train, 40th Division, and promoted to Sergeant, First Class. He went to France July 31, 1918, was later promoted to rank of Second Lieutenant, Sanitary Corps, and assigned as Personal Adjutant, 115th Sanitary Train. He returned from France, April 12, 1919, and was discharged in San Francisco, May 24, 1919.

The Japanese acreage is most dense in the area that includes, roughly, Inglewood, Watts, Compton, Dominguez, Long Beach, San Pedro, Redondo, and Gardena, in which there are 19,123 acres cultivated by the Japanese. The region including Santa Monica, Venice, Palms, Sawtelle, and the section just outside the city limits of Los Angeles, running from West Forty-eighth Street north to West Pico contains 4,839 acres; the Alhambra and San Gabriel section contains 4,347 acres; Van Nuys, Lankershim, San Fernando, Tropico and Burbank, 4,077 acres; and Norwalk and Whittier, 1,086 acres. The average farm in the first named district consists of 25.26 acres; in the second, 28.97 acres; in the third, 14.68 acres; in the fourth, 29.97 acres; and in the last, 36.20 acres; and the general average for the whole county is 22.70 acres. The largest average for a single locality is at Van Nuys where the average farm consists of 112.50 acres, and the second largest is at San Pedro where the average size is 62.40 acres.

The claim is made by the pro-Japanese writers in this State that wherever the Japanese farmer has gone he has taken unproductive and often waste land and brought it to a high degree of fertility.² On account of the persistence of that argument a special effort was made in the presentation of this study to ascertain the truth or falsity of the statement with reference to Los Angeles County. There was found to be a fair amount of truth in the assertion, but there is danger of misconception. In Los Angeles County the Japanese have taken up arid and unproductive land, as a rule, only when they wished to purchase the property. They have done so because those who wished to buy were very poor and had to buy the cheapest land they could find. After they had once gained control of the land, they immediately set to work to fertilize it and make it productive. This has been done in the case of practically all the Japanese owned land, which consists of 3,100 acres. Aside from this situation, little evidence could be found to further support the assertion.

Another point that is made, but this time by the anti-Japanese agitators, is that the Japanese are buying an immense amount of land in the name of their children. The statement is even made that Japanese families which are childless "borrow" children and pay "rent" for them and buy land in the names of these "foster"

²Irish, John P., *The Japanese Farmer in California*, pp. 3-5.

children. The latter statement was made personally to the writer by a highly respected and able official of the country. If it had come from any other source no attention would have been paid to it, but coming from such a high source an effort was made to get some data on that point. When the official who made the statement was pressed for specific instances, he failed to produce even one. In practically every district in the country the question was put to respectable citizens who would have known if such a thing had taken place, but not a single instance was given. Until definite proof is given that such a practice is taking place, such an assertion should be absolutely cast aside. A statement of that sort, which casts a reflection on the honor of people of any race should be suppressed unless it can be supported by definite facts.

With reference to the statement that Japanese are buying land in the name of their children, it was found that, as is the case with most of the "alarmist" rumors of that sort, it contained enough truth to establish it as a fact. It is an obvious fact that if land were bought in such a manner it would have been purchased since 1913, for such a practice would have been unnecessary before the Alien Land Law went into effect. On the other hand, any land purchased since 1913 would necessarily, according to the provisions of the law, have to be in the name of a child born in this country. On examining the statistics on the subject, it was found that since 1913 a total of 385 acres have been purchased in Los Angeles County, and a total of 528 acres for the whole of Southern California. In Los Angeles County, 373 acres were bought near Lankershim, 2 acres near Palms, and 10 acres in South Los Angeles. These facts do not justify the many columns that appear in the daily press on the subject, and, as a record for a period of six years, should be no cause for alarm.

A third charge, and perhaps the most serious, that is brought against the Japanese is that they are ruining some of the best land in the country; that after the Japanese have cultivated a given area for any length of time it is worthless. A more specific charge was brought by an agricultural expert of this county, namely: that in many instances the Japanese farmers have water-logged the land so that it became useless. This was done because the farmers used water in large quantities in place of fertilizer and in certain localities where the water level under the ground was rather high, the level had been raised by means of over irrigation to within a few

inches of the surface. Two specific instances were cited. However, when asked if difficulty was experienced with farmers of any other nationalities doing the same thing, the informant replied that it was one of the most common causes of the failure of "tenderfoot" farmers. He then related many stories to illustrate that point. On examining the two cases which were given relative to the Japanese, one was found to have very little foundation. The city officials who controlled the water supply of the area designated denied emphatically that such a thing would be possible because the water supply was so limited in that particular locality that the meters were very carefully watched and if any person seemed to be using an undue amount of water, an investigation was immediately made. If facts were found such as I cited to him, the water for the persons concerned would be immediately cut off. In the other instance the facts were as stated, but in the same locality several white farmers had done the same thing to their land. Therefore, although the Japanese have offended in this particular, the whites have given more trouble than the Japanese and for that reason, it is not a strong point of attack against the Japanese.

In regard to the general charge of ruining the land there seems to be good foundation for the complaint. In almost every section, instances were cited to bear out the charge. Under the terms of the land law of 1913, the Japanese can lease land for a term of three years only. For the first two years the land is fertilized and intensively cultivated, but during the third year, unless the lessee expects to renew his title for another term of three years, no fertilization is done and through very intensive cultivation practically every ounce of nourishment in the ground is extracted. As many crops as possible are raised and so, when the lease expires, the land is worth almost nothing. It is a mistake, however, to say that it is ruined, because all the experts agree that within from one to three years the land can be brought back to its original state. This is a point, however, at which the Japanese farmers have erred greatly, and for which the land law of limiting leases to three years is partly responsible.

The Japanese Consul and also the Japanese Associations in this county have the confidence of their countrymen to such an extent that I feel certain that if this problem were presented to them in the right spirit they would do much to remedy the situation, and virtually solve the problem.

Perhaps the most serious difficulty that the Japanese problem presents with reference to agriculturists of Los Angeles County is the matter of competition. As long as it is possible for two different groups to come together and engage in active competition, where the groups are rather evenly matched, the struggle can go on successfully as each one will endeavor to improve its methods and get cheaper production and will probably thereby progress and be benefited by the competition. On the other hand, if the first group is manifestly more fitted for agriculture and can raise produce at so much lower prices than the second group as to make competition prohibitive, the second group will have to leave the field. This is the condition that exists in Los Angeles County between the Japanese and the white farmers at the present time in the matter of raising vegetables and berries, and for this reason the Japanese have gained almost a monopoly in the business of truck farming.

Several months ago the Farm Advisory Department of the Los Angeles Chamber of Commerce made an investigation of the sources of production of vegetables and found that the Japanese produced nearly all the berries, 85 per cent of the celery, 60 per cent of the cauliflower, 40 per cent of the potatoes and 40 per cent of the cabbage, or about 68 per cent of all the vegetables grown in the county, and that 72 per cent of all the public market space was controlled by the Japanese. Figures such as these are difficult to obtain and even more difficult to verify, but after a careful survey of the county I believe that they are correct.

In analysing the adaptability of the Japanese it is found that there are four main causes for their success: their low standard of living; the fact that they work long hours and that the women work in the fields with the men; the fact that the Japanese are fitted through habit for "squatting" occupations; and the fact that they are accustomed to intensive cultivation of the soil.

The facts of the low standard of living of the Japanese will be discussed later. On being interviewed, the merchants of the various sections of the county estimated that the Japanese spend about ten per cent more money than the white residents. It was found that the largest expenditures of the Japanese in proportion to the amounts spent by the American farmers were for farm implements and automobile trucks. The Japanese farmer spends practically nothing on the luxuries which almost every American family count as ne-

cessities of life, but confines his expenditures to the actual necessities of life, and to the things that will aid him in producing a greater quantity of vegetables. Therefore, while he spends more money than the American farmer, only a small portion of it goes towards household or personal expenses.

The second reason for the success of the Japanese as farmers is that they do not hesitate to work long hours. Practically all writers on the subject comment on the industry of the Japanese, both in this country and in Japan. It is by no means a point of criticism but rather, to a certain degree, one of commendation. The trouble with the Japanese is that they carry this custom to too great an extreme and work practically all their waking hours. They can be seen in the fields almost as soon as there is light enough for them to work, and many times, in passing their farms after night-fall I have seen them gathering up the vegetables which they have harvested in the day time.

This brings up another phase of the same problem: namely, that of the women working in the fields. It is true that during the war our American women took up the hoe and filled the place of the men who had gone to war, and also it is a very apparent fact that working in the fields, out in the open air, is much more healthful than working in the department stores or the smoky factories as is done by hosts of American women and girls. Without trying to defend the latter system, which I would not do, may I say that the majority of our women workers are young, unmarried women, who eventually give up their work and take places in homes? Without a doubt, the proper training of the children of any country requires more attention from the mother than taking them into the fields where they sit all day while the parents are working nearby.

Another point to be considered here is the effect of the women working in the fields in competition with white farmers. When the latter need help they hire laborers to assist them, either permanently or during the rush season. For this help they have to pay large wages. On the other hand, the Japanese farmers are able to get a large amount of the work done by their wives. This costs them nothing and yet they receive the benefit of the advance in the selling price of the products. Thus the competition tends to become very one-sided and is destructive to the American farmer.

Another fact which makes the competition between the two races difficult is that the Japanese are fitted through nature and through training for the "squatting" occupations and therefore at the business of raising vegetables they are superior to other nationalities.

The last point to be considered here, which gives the Japanese the upper hand in the matter of competition is that the Japanese are trained in intensive cultivation of the soil while the term is almost unknown to Americans. The Americans can acquire this knowledge of intensive farming if they will, as has been proved in the many other fields of science during the late war. If the low standards of living of the Japanese are allowed to remain as they are at present, the Japanese will eventually defeat all competitors. There are three possible courses open to the citizens of Los Angeles County: First, to allow the Japanese to gain control of the truck farming industry; second, to legislate him out of this line of work; and third, to elevate the standards of the Japanese and in other ways seek to bring him up to our ideals, or in other words, to Americanize him. The first course would be undesirable from an economic standpoint for it would not be wise to allow a group of foreigners to gain a monopoly in any of our industries. The second course is the one which the agitators and the jingoists would have us follow. It is, however, diametrically opposed to the true spirit of Americanism, one fundamental point of which is the spirit of fair play. Shall we allow the narrow minded race prejudice of a portion of our population to be paramount in this matter or shall the question be settled on the broad foundations on which America was established and upon which she still professes to stand? True, the first two courses would be comparatively easy while this last one will require a large amount of planning and a greater amount of honest work.

With regard to the low standard of living of the Japanese in the agricultural districts of Los Angeles County there is scarcely room for argument. The rough, unpainted shacks are found in every section of the county. It seems strange to come upon a ranch in full bearing, covering from ten to forty acres, and showing every evidence of prosperity, and then to find a group of shacks in one corner which serve as the house, barn and stables of the farmer. Often there can be seen in the barn or beside the house an automobile of a class which is further evidence of the economic standing of the

owner. Much of the same type of shack is seen in the Mexican quarters of the cities, but there it is evidence of extreme poverty and is probably as good as the inhabitants can afford. There are other causes, however, operating which tend to keep the Japanese on a low level of housing

As bad as the conditions are at present, there is considerable encouragement from the fact that during the last ten years an advance has been made by the Japanese. I have recently interviewed a man who has been Building Inspector for a period of fourteen years in one of the sections of the county which has a large Japanese population. He states that ten years ago the shacks of the Japanese had but one room; they had dirt floors; the cooking was done over a crude stone fireplace which was placed in the middle of the room and which had no chimney; and a low, shelf-like structure was built across the entire length of one side of the room and served as a bed for the entire family. Now the conditions are much better: the bedroom is separated from the main living room by a partition; wooden floors have been installed; and furniture is beginning to make its appearance. Since conditions have been improved, further improvements may be expected.

The Building Inspector who gave the above facts stated that the worst objection to be found with the Japanese is in regard to sanitation. During the summer of 1919 a law was passed requiring the installation of flush toilets in all dwellings. On February 1, 1920, not a single Japanese resident had complied with the law. An arrest was made, for a test case, and the Japanese of the district hired the best Japanese lawyer that could be had in Los Angeles. After the lawyer had looked the case over carefully and had consulted with the officers of the Japanese Association he refused to take it and advised the Japanese to comply with the law. By the middle of March, however, not one of the Japanese residents had done so.

The matter of sanitation is a very vital one under any circumstances, but is much more so in connection with the Japanese of Los Angeles County. As was shown in pages one and two, the Japanese raise a large amount of the foodstuffs for Los Angeles County. Many of the vegetables and most of the berries are eaten raw so that they are ideal carriers of typhoid fever or other diseases caused by unsanitary conditions. According to the reports of the County Health Officer, the record of Los Angeles County for

typhoid fever has been remarkably low and for the past five years two sections of the County have been entirely free from deaths from the disease. During the year 1919, however, there was a slight increase in the number of cases, which was traced to several cases among the Japanese from whom it spread to other people, the carriers being vegetables.

The responsibility for the existing conditions, especially in the matter of housing, however, should not be placed entirely on the Japanese. Under the provisions of the Alien Land Law of 1913, it is not possible for the Japanese to lease land for a period longer than three years at a time. It is not strange then, that they should refuse to build houses according to our standards when they know that at the end of three years they may be obliged to move to some other locality. What would Americans do under similar circumstances? There is something fundamentally wrong with the law. It removes all incentive for the upkeep of land.

The second problem, and one about which there is a growing agitation, is that of the Japanese children in the public schools. The problem is not a new one in California, having been thought acute in San Francisco as early as 1905. However, the agitation in Los Angeles County is of comparatively recent origin. It began and is still largely centered in the Gardena and Moneta school districts, which have the largest percentage of Japanese in the county. Strangely enough, it is being opposed by the public school teachers. The leaders in the agitation claim that Japanese children are immoral; that they have low standards; and that the teachers discriminate against the white children and in favor of the Japanese by devoting more time to the latter. The thing that seems strange in the first two complaints is that in this same district there are a number of Mexican families with children in school, and yet no complaint is made against them. Any one who is at all acquainted with the Mexican children knows that their standards of morality and general standards of living are exceedingly low.

The contentions of the teachers should have considerable weight because they are the ones who are most intimately acquainted with the children and who are constantly meeting the problems in connection with the children of the various races. It was the universal testimony of the teachers that as far as morality was concerned they had absolutely no trouble with the Japanese, with the possible exception of a few of the young first graders at the beginning of the year,

who, through ignorance, acted in a way which is not up to the standard of the American children. After correcting them once, however, the teachers never had further difficulty with them.

Most of the teachers were strongly opposed to the plan of separate schools for the Japanese. The thing for which Americans criticise the Japanese, they said, is that the standards and customs of the Orientals are so different from our own. But where are they to learn our customs and our ideals if not in our schools and through contact and association with Americans? All this would be seriously checked if separate schools were maintained for the two races. Race prejudice tends to disappear when the two peoples come to know each other better. Where is a better place to start the elimination of race prejudice than among the children?

The principal of one of the schools pointed out several facts which even the agitators had overlooked, but which made the situation more serious. After a careful survey of her school district had been made recently she compiled the figures, and from them she gained some important information. The figures which she gathered are as follows:

TABLE II.
SCHOOL STATISTICS

I	II	III	IV	V	VI	VII	VIII	IX	X
	No. of families	No. of families without children	No. of families having children	No. of children	No. of children per family	No. of children 5 years old	No. of children under 5 years	Percentage of total No. faml.	Percentage of total No. child'n
American -----	321	120	201	430	1.3	26	87	64.1	56.0
Japanese -----	113	29	84	216	1.9	14	109	22.5	28.1
English -----	24	13	11	30	1.25	2	3	4.7	4.0
Mexican -----	11	1	10	41	3.7	2	11	2.1	5.3
Others -----	32	12	20	51	1.8	3	10	6.3	6.5
Total -----	501	175	326	768	1.5	47	220		

In this school, out of a total of three hundred pupils there were sixty Japanese. The striking thing about these figures is found in

the seventh and eighth columns. There are twenty-six American children five years of age and fourteen Japanese children of that age. In other words, these children are either in the first grade this year or will enter that grade at the beginning of the next term. In the next column is found the number of children under five years of age, that is, those who will enter school within the next four years. It can be seen that before long there will be more Japanese children in the grades than white children. This is a serious situation and one that will require careful handling. However, to separate the children would only make matters worse for it would make the children feel the difference in races rather than to eliminate race prejudice.

The whole situation has as its basis the general problem of the birth rate of the different nationalities. From the records of the County Health Officer of Los Angeles County, the following statistics were obtained.

TABLE III
RECORD OF BIRTHS IN LOS ANGELES COUNTY, OUTSIDE THE
INCORPORATED CITIES

	1916		1917		1918		1919	
	No.	Perct.	No.	Perct.	No.	Perct.	No.	Perct.
White -----	843	55.5	830	52.8	828	55.0	776	52.6
Japanese -----	475	31.2	541	34.4	413	27.4	418	28.3
Mexican -----	193	12.7	196	12.5	258	17.1	276	18.9
Others -----	8	.5	4	.2	4	.2	4	.2
Total -----	1519		1571		1503		1474	

It may be noted that the Japanese births declined from 31.2 per cent in 1916 to 28.3 per cent in 1919 and also that the percentage of births of Caucasians decreased in the same period from 55.5 to 52.6 per cent. It is this decrease in the white birth rate that should give cause for alarm. For the years 1916 to 1919 there is a slow but certain decrease of from 843 to 776. If the white population tends thus to decrease, it is surely no one's fault but our own, and if

some other nationality gains possession, by numerical strength, of portions of our country, there is serious reflection upon us. Turning to the figures regarding the births among the Japanese, it is found that in 1916 there were 475 births and in 1919 there were 418. There is no increase to justify the panic stricken cry of alarm that is going up regarding the tremendous increase in the number of births of Japanese which will soon swamp the whole county. As far as the county, outside of the cities is concerned, there is little need of alarm. If the increase in numbers is the thing that causes anxiety, however, it should not be the Japanese that we should fear, but rather the Mexicans, for the records of the County Health Officer show that from 1916 to 1919 the births of Mexican children increased from 193 to 276. At that rate they would soon outstrip both the white and the Japanese races.

In connection with the Japanese birth rate, two points should be remembered. The first is that the great majority of the Japanese in this country at the present time are between the ages of 18 to 45, that is they are in the child-bearing period, while the races with which they are compared have a large number of old people and of children. Therefore, in a few years their rate of increase will begin to decline. The second fact is that after August, 1920, according to the promise of the Japanese Government, the coming to this country of "picture brides" will cease, which will result in lowering the Japanese birth rate.

There are certain forces operating in Los Angeles County, as there are in all parts of the country, which very materially hinder the assimilation of the Japanese. The first of these is ignorance—ignorance on the part of Americans of the Japanese people and of their traits and characteristics which make them an asset to our country, and ignorance on the part of Japanese of our customs and institutions. In making this study I have been surprised at the lack of real knowledge of a large portion of the people of Los Angeles County with regard to the Japanese. True, almost everyone has opinions which are rather decided, but most of these opinions have been gained from articles in the newspapers. The anti-Japanese forces are strongly organized in California and for that reason most of the stories that are passed about and most of the newspaper articles are opposed to the Japanese.

Opposed to these anti-Japanese forces are three institutions which are doing much to aid in the assimilation of the Japanese.

The first of these is our public school system. As has already been stated, this is the greatest force for the Americanization of the immigrant that exists in America. It not only educates the Japanese children in our methods, customs and institutions, but, through contact of the children of the two races they become acquainted and friendly with each other and thus the great enemy of assimilation, race prejudice, is defeated.

The second of these assimilative factors is the Japanese missions which are conducted by the Protestant Churches. In practically all the communities which have a large Japanese population these missions are found. The work is carried on in Los Angeles County principally by the Methodist, Baptist, Presbyterian, and Congregational denominations. Aside from the religious value, these institutions perform an invaluable service in raising the ideals and the lives of the people and in teaching them the true ideals of American life. The public schools do this to a great extent, but they reach chiefly the children. The missions on the other hand, reach also the adults.

The two agencies which have just been mentioned are conducted almost entirely by the Americans, but the third agency is controlled and operated entirely by the Japanese themselves. It is the Japanese Association of Los Angeles. This organization has a comprehensive program for the Americanization of the Japanese in Los Angeles County and the program is being worked successfully. Mr. J. Kasai, the Secretary of the Association, explained that their plan consisted mostly of education. He said that his people needed instruction in every subject that would help them become better citizens. The Association seeks to instruct them in farming, housing, sanitation, hygiene, citizenship, for the men; and dietetics, preparation of food, care of the home, hygiene, nursing, care of babies and children, for the women, and many other subjects which an American citizen should know. Their method of reaching the farmers is to hold meetings in each locality about twice a week. These meetings are addressed by the Secretary of the Association or one of his assistants and by some expert in the line to be discussed.

The writer mentioned to Mr. Kasai the fact that much of the trouble between the two races was due to the fact of the congestion of the Japanese in certain relatively small districts such as the Gardena or the San Gabriel districts and asked what the program of the Association was to relieve such conditions. He said that the officers

of the Association were discouraging any more Japanese from settling in Los Angeles County and were urging many of those already here to go to Arizona, New Mexico, and Texas to settle. If only a comparatively few at a time went to those places and those were careful not to congregate, the people of those states could slowly become acquainted with them and the shock of the meeting of the two races which was felt very severely in California would be eliminated. Also, the conditions in Los Angeles County would be relieved. If the program of this institution and of the other agencies that were mentioned can be carried through successfully, the problem of assimilation can be solved.

In conclusion, the following conditions have been found to exist among the Japanese in the agricultural districts of Los Angeles County :

1. The Japanese control through lease or ownership 41,000 acres of land out of 440,000 acres which are under cultivation.

2. The Japanese problem is caused by the fact that the Japanese have settled in certain limited localities where, at the present time, a large percentage of the land is held by the Japanese.

3. The Japanese in Los Angeles County have taken unproductive land and developed it to a high degree, as has been claimed for them, but only in a few instances.

4. The Japanese have bought land in the names of their children, but only to a very limited extent, 380 acres having been purchased by Japanese in this manner since 1913.

5. The most serious charge brought against the Japanese is that they are ruining the land. This occurs in the last year of the three years which they are allowed to lease the land.

6. The Japanese have gained a virtual monopoly in the business of truck farming because :

- a. They have a low standard of living.

- b. They work long hours and the women work in the fields, doing work for which the white farmers have to hire laborers.

- c. They are fitted through habit and through nature for the "squatting" occupations.

- d. They are accustomed to intensive cultivation of the soil.

7. There are three possible courses open to Americans :

a. Allow the Japanese to monopolize the truck farming industry.

b. Legislate them out of the business entirely.

c. Raise the standards of the Japanese, or Americanize them, so that competition can be possible between white and Japanese.

8. The standard of living of the Japanese is low, especially in the matter of housing and sanitation. The latter is important because the food supply of the residents of Los Angeles County can easily be contaminated and typhoid fever easily spread by means of vegetables. The cause of this low standard is mainly the fact that the Japanese cannot own the land and therefore cannot afford to build a house according to our standards.

9. The problem of the Japanese children in the public schools is being discussed and is important because in some districts, such as Gardena, in a few years the Japanese children will exceed the white children in numbers. The schools are the greatest Americanizing force and therefore the children need not be segregated according to nationalities.

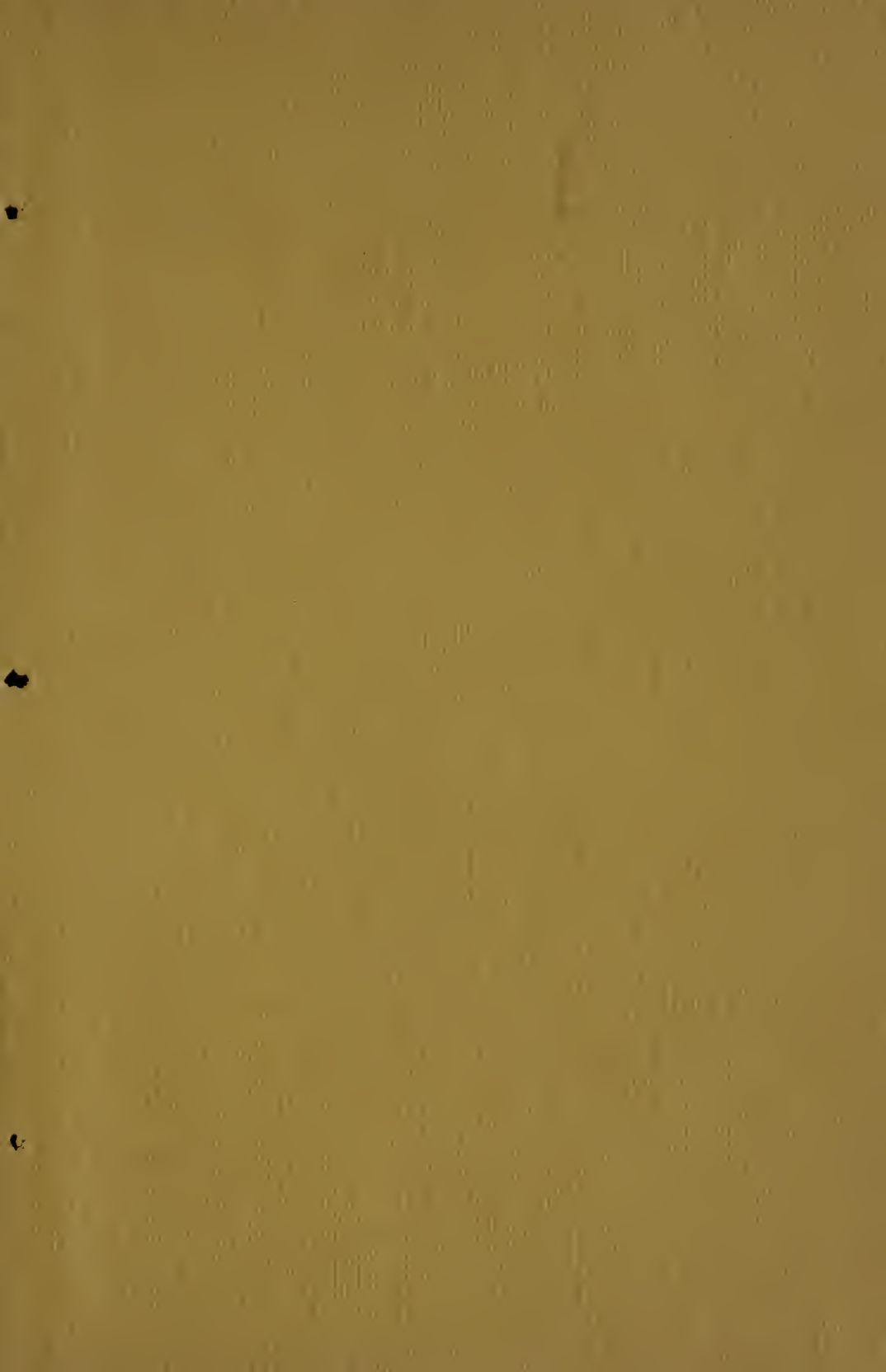
10. The Japanese births have decreased in rural Los Angeles County from 31.2 per cent of the total in 1916 to 28.3 per cent in 1919.

11. The forces that prevent the assimilation of the Japanese are ignorance and race prejudice. A campaign of education is needed to overcome the ignorance of each race of the other. The congestion of the Japanese in certain districts should be relieved. This would tend to eliminate race prejudice.

12. The forces aiding assimilation are the public schools, the Protestant Missions, and the Japanese Association of Los Angeles.

Finally, I believe that the following statement by Theodore Roosevelt should be made the key note of our whole attitude towards the Japanese: "We must treat with justice and good-will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or Gentile, whether they come from England or Germany, Russia, Japan or Italy, matters nothing. All we have a right to question is the man's conduct. If he is honest and

upright in his dealings with his neighbor and with the state, then he is entitled to respect and good treatment. Especially do we need to remember our duty to the stranger within our gates. It is the sure mark of a low civilization, a low morality, to abuse or discriminate against or in any way humiliate such stranger who has come here lawfully and who is conducting himself properly. To remember this is incumbent on every American citizen, and it is, of course, peculiarly incumbent on every government official whether of the nation or of the several states."



STUDIES IN SOCIOLOGY

Sociological Monographs

- No. 1. "Legal Training for Social Workers," by Harry J. McClean.
Sept., 1916. Pp. 16. Fifteen cents.
 - No. 2. "Causes of Fatal Accidents on Highways," by William
Smith, Dec., 1916. Pp. 16. Fifteen cents.
 - No. 3. "Causes of Truancy Among Girls," by Inez D. Dunham,
March, 1917. Pp. 14. Fifteen cents.
 - No. 4. "Leading Sociological Books Published in 1916," by
Emory S. Bogardus, May, 1917. Pp. 20. Twenty cents.
 - No. 5. "The Teaching of Sociology in High Schools," by Theron
Freese, Sept., 1917. Pp. 16. Fifteen cents.
 - No. 6. "Causes of Truancy Among Boys," by Ernest J. Lickley,
Oct., 1917. Pp. 12. Fifteen cents.
 - No. 7. "Social Thought in the Current Short Story," by Elva E.
Murray, Feb., 1918. Pp. 12. Fifteen cents.
 - No. 8. "Leading Sociological Books Published in 1917," by Emory
S. Bogardus, May, 1918. Pp. 24. Twenty-five cents.
 - No. 9. "Social Work as a Profession in Los Angeles," by Mary
Chaffee, Oct., 1918. Pp. 12. Fifteen cents.
 - No. 10. "Social Thought in American Fiction," (1910-1917), by
Hazel Wilkinson, Dec., 1918. Pp. 24. Twenty-five cents.
 - No. 11. "The Russians in Los Angeles," by Lillian Sokoloff,
March, 1919. Pp. 16. Fifteen cents.
 - No. 12. "Rural Community Life in the Haute Marne," by Ernest
Bishop, May, 1919. Pp. 8. Ten cents.
 - No. 13. "The Finns in Lanesville, Massachusetts," by Helen
Babson, Oct., 1919. Pp. 12. Fifteen cents.
 - No. 14. "Causes of Delinquency Among Fifty Negro Boys," by
Homer K. Watson, Dec., 1919. Pp. 12. Fifteen cents.
 - No. 15. "Community Organization," by Clarence E. Rainwater, Feb.,
1920. Pp. 24. Twenty-five cents.
 - No. 16. "The Japanese in Rural Los Angeles County," by Ralph
F. Burnight, June, 1920. Pp. 16. Twenty cents.
- Address communications to the Secretary, The Sociological Society,
University of Southern California, Los Angeles, Calif.

OUR POSITION

In view of the fact that the presence of large numbers of Orientals in certain parts of our country has given rise to serious problems we believe that further immigration from that source would surely endanger the good relations existing between the United States and our Oriental neighbors. It is evident to all that the time has come when a satisfactory control of immigration must be sought.

The governments of the United States and Japan are now seriously seeking a final settlement of all problems arising out of the immigration situation. This fact is exceedingly encouraging and gives promise of bringing to a peaceful end a vexatious and delicate international matter. If it is left in the hands of diplomacy there is every reason to believe that all dangers of misunderstanding will be avoided and a mutually agreeable settlement reached speedily.

The so-called Japanese problem can not be settled by the action of one or several states, as it is essentially a matter of immigration. The experience of the last few years fully bears this out. Therefore, any such action by California at the present time will surely result only in further complicating the situation, confusing the issue, and making Federal action more difficult.

We, therefore, strongly advise voters to leave the question wholly in the hands of the Federal government, at least until every opportunity has been given to reach a conclusion.

Vote NO on Initiative Measure No. 1

Wallace M. Alexander,
Alexander & Baldwin, Ltd., S. F.

Rolla V. Watt,
Royal Insurance Co., S. F.

Geo. I. Cochran,
Pres. Pacific Mutual Life
Insurance Co., Los Angeles

Lee A. Phillips,
V. P. Pacific Mutual Life
Insurance Co., Los Angeles

Frank Miller,
Mission Inn, Riverside

Rev. H. B. Johnson, D. D.,
Berkeley

Dr. Arthur H. Briggs,
San Francisco

Rev. J. L. Gordon, D. D.,
First Cong. Church, S. F.

Rev. Elbert R. Dille, D. D.,
Oakland

J. A. McGregor,
Formerly with U. S. Ship. Bd.

Milton H. Esberg,
M. A. Gunst Co., San Francisco

Dr. Benjamin Ide Wheeler,
Pres. Emeritus, U. of California

Dr. Harvey H. Guy,
Berkeley

Fred D. Parr,
Parr Terminal Co., Oakland

Capt. Robert Dollar,
Robt. Dollar S.S. Co., S. F.

A similar statement has been issued by the Japanese Relations Committee of California, organized by leading citizens in the State.

The Board of Directors of the San Francisco Chamber of Commerce advises to vote "NO" on Initiative No. 1, Alien Land Law, for the following reasons:

"No. 1. ALIEN LAND LAW—This Initiative Measure is an effort to make more effective the Alien Land Law of 1913, and to deny to certain aliens the right now possessed by them to lease lands for agricultural purposes for a term not exceeding three years.

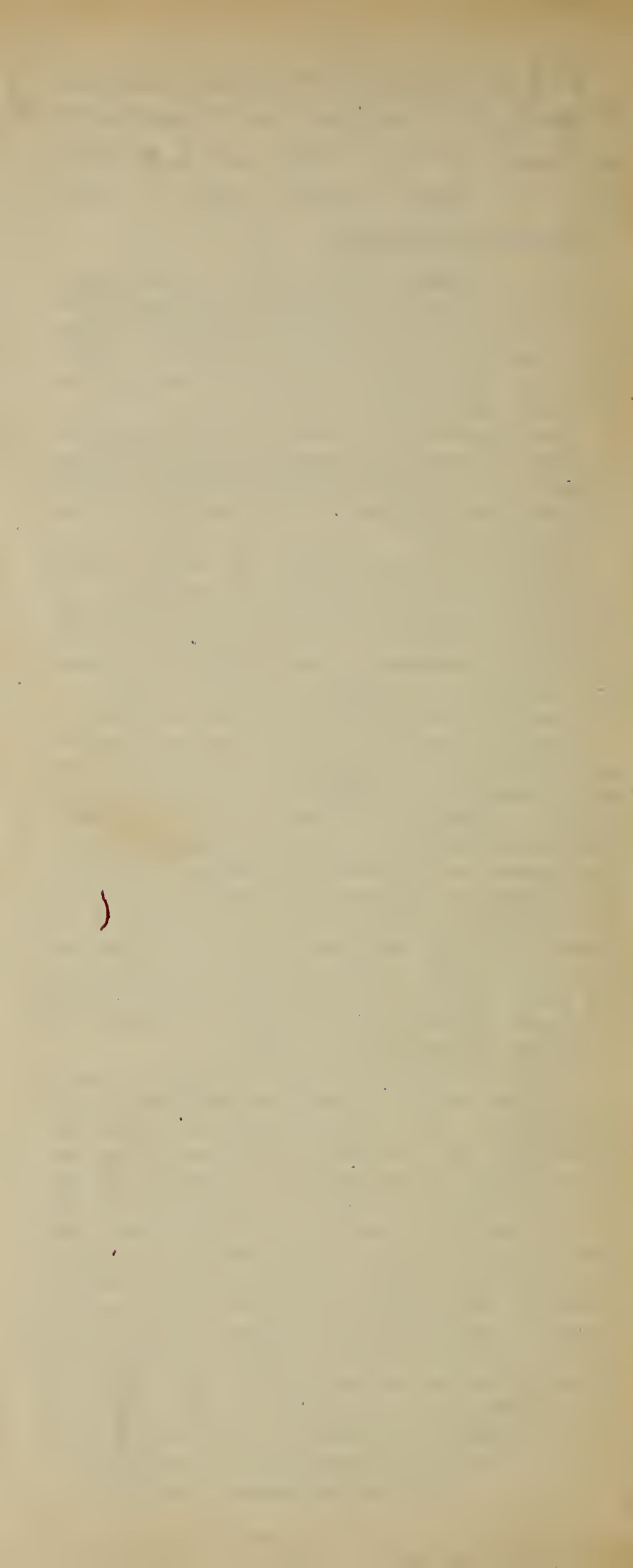
"The Chamber is in favor of the principle of denying ownership of agricultural lands to those ineligible to citizenship, but the Chamber can not advocate the adoption of this Initiative for the following reasons:

"First: The clause denying the right to lease agricultural lands is ineffective in operation. It may prove irritating to the Japanese people but it will not prevent them from occupying lands for agricultural purposes under cropping contracts and contracts for personal services, which can not legally be prohibited to any class of aliens.

"Second: The Initiative Measure contains unnecessarily harsh provisions concerning the guardianship of the children of residents not eligible to citizenship. When the estate of such children includes any interest in agricultural lands, the parents can no longer be appointed guardians. Our Courts, we believe, in the administration of our laws and in the control of any guardian appointed by them, are quite capable of doing justice to the interests of the minor and safeguarding the public interests of the people of the State of California, without this bar to the appointment of a parent as guardian for his child.

"Third: The real problem disturbing the people of this State is in the last analysis one of immigration. The Chamber believes that further immigration to our shores of those whom we make politically ineligible to citizenship should be forbidden, and that the federal government should, either by treaty or by legislation, but preferably by treaty, accomplish that purpose. State legislation can not deal with this ultimate problem, and hasty or ineffective action by the State through an initiative measure that is after all futile, and likely to stir a spirit of irritation and hostility, can in our opinion only operate as an embarrassment and may even prove a hindrance to the federal government in the attainment of a final solution of the question of immigration.

"Recommendation, Vote 'NO'."



Japanese School Question



Wm G. Burke

CITY ATTORNEY

(Incumbent)

to schools of the same grade attended by pupils of other parentage throughout the City and County of San Francisco; that the said Oriental School is situated about 14 blocks from the residence of petitioner, and that the said Redding Primary School is situated about six blocks from his said residence; that many children of English, German, French, Italian and other European parentage are compelled to travel as great a distance to attend school as the petitioner would be compelled to travel to attend the said Oriental School.

That the United States entered into a treaty with the Empire of Japan, which was concluded on November 22, 1894, and said treaty is now in full force and effect; that said treaty provides in Article 1 as follows:

"Article 1. The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel or reside in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most favored nation. The citizens or subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native citizens or subjects of the most favored nation.

The citizens or subjects of either of the Contracting Parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

* * * * *

Article 2. It is, however, understood that the stipulations contained in this and the preceding article (1) do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, *police and public security* which are in force or which may hereafter be enacted in either of the two countries."

The petitioner asks for a writ of mandate directing the respondent to admit the petitioner to said Redding Primary School as a pupil in the fourth grade thereof.

ARGUMENT.

I.

The petition should be denied for the reasons:

(1) That the rights and privileges sought by the petitioner are not granted directly or indirectly by the said treaty between the United States and Japan; and

(2) If the said treaty be so construed as to grant the rights and privileges sought it is unconstitutional and nugatory because—(a) it is in excess

of the authority given to the President and Senate as a treaty making power; (b) it is repugnant to the fundamental principles of the Government; and (c) it trespasses upon the reserve powers of the several States.

I.

THE RIGHTS AND PRIVILEGES SOUGHT BY THE PETITIONER ARE NOT DIRECTLY OR INDIRECTLY GRANTED BY THE SAID TREATY BETWEEN THE UNITED STATES AND JAPAN.

The right of any subject of Japan to obtain an education in the public schools of the several states of this Union is nowhere given, either by express language or by any reasonable construction of any word or sentence in any article of said treaty. The subject matter of education is not mentioned or dealt with throughout the whole of said treaty stipulations. It is simply a treaty of "commerce and navigation". It is so specifically designated, and without exception its several articles deal only with matters incidental to commerce and navigation. It is claimed, however, that inasmuch as Article 1 of the treaty provides:

"That the citizens or subjects of each of the two Contracting Parties shall have full liberty to enter, travel or *reside* in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property * * * and in whatever relates to rights of *residence* and travel * * * the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens, or subjects, of the most favored nation,"

that the right here sought to attend our public schools is secured by virtue of the right to "*reside*" in any part of the territory of the United States. The word to "*reside*" could have no such meaning. From its very context it relates only to the general purposes and objects of the treaty—commerce and navigation. The very broadest interpretation could carry its meaning no further than that the citizens and subjects of each of the contracting parties should enjoy the privileges and rights necessarily incidental to a residence such as the right of protection to person and property, and such other rights as in the nature of our Government is accorded to any person who might have a domicile within our territory.

If it is to be further extended, where are the limitations? If the right to reside carries the right to an education, why not to citizenship? If the right of a foreign subject to reside in this country carries with it the right to attend our public schools, and thus to hold intimate association with our own children, why is he not entitled to intermarry? If the right to reside is to be construed so as to give the rights and privileges here claimed by the petitioner, then it can be said that there are no restrictions or limitations whatsoever upon the word, and when used in a treaty conveys greater rights to foreign subjects than are enjoyed by the citizens of the United States, for a citizen of a sister state could not, being a mere resident of indefinite duration, exercise the right of elective franchise within this state, nor could he attend our public schools, but in consequence of an express provision of the Federal Constitution guaranteeing to citizens of the United States the equal protection of its laws.

It will be observed that the language of the treaty is that:

"In whatever relates to the rights of residence and travel * * * the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties and rights and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens or subjects of the most favored nation."

Thus, by the very terms of the treaty itself, the privileges, immunities, liberties and rights relating to the right of residence are limited to the matter

of imposts and charges. *By no stretch of imagination, and certainly by no reasonable construction, can it be claimed that this treaty confers upon the subjects of Japan a right to enter the public schools of this State, and this seems to be guarded against by the concluding paragraph of Article 2 of the treaty, where it is said that:*

"It is, however, understood that the stipulations contained in this and the preceding Article (1) do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, *police and public security* which are in force or which may hereafter be enacted in either of the two countries."

II.

BUT IF THE TREATY EXISTING BETWEEN THIS COUNTRY AND JAPAN CAN BE, OR SHOULD BE, SO CONSTRUED AS TO GRANT THE RIGHTS AND PRIVILEGES SOUGHT, IT IS UNCONSTITUTIONAL AND NUGATORY BECAUSE IT IS IN EXCESS OF THE AUTHORITY GIVEN TO THE PRESIDENT AND SENATE AS A TREATY MAKING POWER, IT IS REPUGNANT TO THE FUNDAMENTAL PRINCIPLES OF OUR GOVERNMENT, AND IT TRESPASSES UPON THE RESERVE POWERS OF THE STATES GUARANTEED BY ARTICLE X OF THE FEDERAL CONSTITUTION.

The treaty making power to be exercised by the President and the Senate is created and established by Section 2, Article II, of the Constitution of the United States, which provides that he (the President) shall have power by and with the advice and consent of the Senate to make treaties provided two-thirds of the Senators present concur. Notwithstanding the power thus created is broad and not qualified or limited by express language, nevertheless it has its limitations, and like all other granted powers when the limits are exceeded they become nugatory and of no force and effect.

The Supreme Court of the United States has several times discussed the extent of the treaty making power and to some degree determined its limitations. It was said in the case of *Hauenstein vs. Lynham*, 100 U. S. 483, while considering the treaty between the United States and the Swiss Confederation:

"We have no doubt that this treaty is within the treaty making power conferred by the Constitution, and it is our duty to give it full effect. We forbear to pursue the topic further. In the able argument before us it was insisted on one side, and not denied on the other, that if the treaty applies, its efficacy must necessarily be complete. The only point of contention was one of construction. *There are, doubtless, limitations upon this power as there are of all other arising under such instruments, but this is not the proper occasion to consider the subject.*"

In the case of *DeGeofroy vs. Riggs*, 133 U. S. 258, Mr. Justice Field, speaking for the court, said:

"The treaty making power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government, or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or of a cession of any portion of the territory of the latter without its consent."

In *People vs. Gerke*, 5th Cal., p. 381, the Supreme Court of this State said:

"The language which grants the powers to make treaties contains no words of limitation. It does not follow that the power is unlimited, it must be subject to the general rule that an instrument is to be construed so as to reconcile and give meaning and effect to all its parts. If it were otherwise, the most important limitation upon the powers of the Federal Government would be ineffectual and the reserved rights

of the States would be subverted. This principle of construction, as applied not only in reference to the Constitution of the United States, but particularly in the relation of all of the rest of it to the treaty making grant, was recognized both by Mr. Jefferson and John Adams, the two leaders of opposite schools of construction."

Mr. Butler, in his work on the treaty making power, says:

"After perusing the foregoing chapters, the reader may think he is justified in presuming that the author does not consider that there are any limitations whatever on the treaty making power of the United States either as to the extent to, or subject matter over, which it may be exercised; such, however, is not the case. The fact that the United States is a constitutional government precludes the idea of any absolutely unlimited power existing. The Supreme Court has declared that it must be admitted, as to every power of society over its members, that it is not absolute and unlimited, and this rule applies to the exercise of the treaty making power as it does to every other power vested in the central government. The question is not whether the power is limited or unlimited, but at what point do the limitations begin."

While it is true that it is declared by Article 2 of the Constitution of the United States that treaties are the supreme law of the land, the same is said about the Constitution and all the laws passed in pursuance thereof. This expression, "a treaty is the supreme law of the land", has produced much confusion and is misleading. A treaty is of no greater force or dignity than an Act of Congress. They are both supreme as to the States, and the laws thereof, when passed within the scope of constitutional authority. A treaty is but a form of legislation by an independent co-ordinate branch of the government, and when that agency exceeds its authority, its action is not binding. An Act of Congress dealing with the same subject matter is of equal potency and if of a subsequent date, abrogates the treaty if in conflict with it. It has so been held in numerous cases.

In the License Cases, 5 Howard 613, Mr. Justice Daniel said:

"This provision of the Constitution, it is to be feared, is sometimes applied or expounded without those qualifications which the character of the parties to that instrument, and its adaptation to the purposes for which it was created necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these ever were, in intention or in fact, ceded to the General Government. Laws of the United States, in order to be binding, must be within the legitimate powers vested by the Constitution. Treaties, to be valid, must be made within the scope of the same powers, for there can be no 'authority of the United States,' save what is derived mediately or immediately, and regularly and legitimately, from the Constitution. *A treaty, no more than an ordinary statute, can arbitrarily cede away any one right of a State or of any citizen of a State.*"

And in discussing the general power of making treaties, Mr. Jefferson said:

"By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and cannot be otherwise regulated. It must have meant to except out of these the rights reserved to the States, for surely the President and Senate cannot do by treaty what the whole Government is interdicted from doing in any way."

In the Dispensary Case, 54 Federal Reporter, 969, the Court said:

"It is urged in behalf of these complainants that they are Italian subjects, and are protected by the treaty stipulations between Italy and the United States. The language of the treaty on this point is as follows:

"'Art. 2. The citizens of each of the high contracting parties shall

have liberty to travel in the States and territories of the other; to carry on trade, wholesale and retail; to hire and occupy houses and warehouses; to employ agents of their choice, and generally to do anything incident to or necessary for trade upon the same terms as the natives of the country, submitting themselves to the laws there established.

"Art. 3. The citizens of each of the high contracting parties shall receive in the States and Territories of the other the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives."

"Under these articles the complainants have the same rights as citizens of the United States. It would be absurd to say that they had greater rights. We have seen that the right to sell intoxicating liquors is not a right inherent in a citizen, and is not one of the privileges of American citizenship; that it is not within the protection of the fourteenth amendment; that it is within the police power. The police power is a right reserved by the States, and has not been delegated to the General Government. In its lawful exercise the States are absolutely sovereign. Such exercise cannot be affected by any treaty stipulations."

But neither a treaty nor Act of Congress, nor any other authority of the Federal Government is of any validity whatsoever if they deal with matters not committed to their charge, or are in excess of the powers committed to the General Government.

As great as is the Government of the United States, it does not possess all the powers of government. It is a Government formed by the States in their sovereign capacity and possesses only those powers delegated to it by the several States composing the Union, and all other powers not so delegated were and are reserved to the States. This is not a theory, but a well recognized principle of our Government, and such a declaration forms a part of the Constitution itself.

Article X of the Amendments of the Constitution provides that:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Ever since the adoption of this amendment every State of the Union has been, and they still are, exercising the rights so reserved by them, and while doubts have arisen from time to time as to the extent and character of the rights delegated to the General Government, and to the extent and character of the rights reserved by the States, the principle announced has never been questioned by the strongest adherent of the doctrine of centralization. It forms an essential feature of our republican form of government. The Constitution itself enumerates the powers delegated to it by the States. In addition are certain powers denied to the States; so the powers enumerated and those incidental thereto, together with the powers denied to the States, comprise the whole scope of the powers delegated to the General Government. No attempt has ever been made to designate with precision the extent and character of the reserve powers of the States, and it must follow as a logical sequence as well as by positive constitutional declaration, that all the powers of government not delegated to the General Government remain with the States or with the People.

There are certain powers the very nature of which place them in the list of reserve powers, or powers reserved to the States,—matters of domestic concern, the internal affairs of the people of the respective States, matters concerning the safety, happiness, morals and general well-being of the people of the respective communities, marriage, divorce, parent, child, etc.

There is also a great body of powers constantly exercised by the several

States of the Union under the general appellation of "police powers". No one would contend that these powers were ever delegated to the General Government, or that they were not reserved by the States.

It was said in the case of *Martin vs. Hunter*, 1 Wheaton 304:

"The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted to it must be such as are expressly given, or given by necessary implication."

In License Cases, 5 Howard 524, it is said:

"It may then be assumed on authority which does not admit of doubt that a State has a right to regulate its internal commerce and to provide for the health and government of its citizens by suitable laws. That such regulations are considered by this Court to be police laws, will not be doubted. See also *Prigg vs. Pennsylvania*, 16 Peters 539; *Lake View vs. Rose Hill Cemetery*, 70 Ill. 101."

Matters of education fall readily and easily among the police powers of the State. In *Barbier vs. Connelly*, 113 U. S. 27, the Supreme Court of the United States said:

"Neither the amendment (14th amendment to the Constitution), broad and comprehensive as it is, nor any other amendment, was designed to interfere with the powers of the State, sometimes termed its police power, to prescribe regulations, to promote the health, morals, education, and good order of the people."

THE POWER, THEREFORE, TO REGULATE AND CONDUCT OUR PUBLIC SCHOOLS IS AMONG THE POLICE POWERS OF THE STATE RESERVED BY THEM. IT IS THE MOST SACRED OF THEM. IT CONCERNS THE WELL-BEING, MORAL, SOCIAL, AND EDUCATIONAL, OF EVERY FAMILY IN THE LAND. IT IS NEARER THE HEARTHSTONE OF EVERY HOUSEHOLD. THE TEACHER IS BUT A SUBSTITUTE FOR THE PARENT, AND THE SCHOOL-HOUSE IS BUT AN ANNEX TO HIS RESIDENCE. THE PARENT AND THE STATE HAVE A RIGHT TO BE SOLICITOUS ABOUT THE ENVIRONMENTS OF THE CHILD, AND THEY HAVE A RIGHT TO KNOW THAT NO CONTAMINATING INFLUENCES SURROUND IT AND THAT ITS EDUCATION SHALL BE GIVEN UNDER CONDITIONS AND REGULATIONS WHICH AFFORD THE BEST ADVANTAGES AND THE BEST PROTECTION.

Now, as to the case at issue:

The State of California has declared by section 1662 of the Political Code:

"Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age, residing in the district, and the Board of School Trustees, or said Board of Education, have power to admit adults and children not residing in the district whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese or Mongolian children must not be admitted into any other school."

This law is in keeping with the declared policy of the State as set forth in its Constitution. Section 1, Article XIX, provides:

"That the Legislature shall prescribe all necessary regulations for the protection of the State and the counties, cities, and towns thereof from the burdens and evils arising from the presence of aliens * * * otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State. * * *

Section 4 of the same article of the Constitution provides that:

"The presence of foreigners, ineligible to become citizens of the United States, is declared to be dangerous to the well-being of the State. * * *

Under and by virtue of these laws, the Board of Education of the City and County of San Francisco did, on the 6th day of May, 1906, pass and adopt a resolution as follows:

"Resolved, That the Board of Education is determined in its efforts to effect the establishment of separate schools for Chinese and Japanese pupils, not only for the purpose of relieving the congestion at present prevailing in our schools, but also for the higher end that our children should not be placed in any position where their youthful impressions may be affected by association with pupils of the Mongolian race."

And on the 11th day of October, 1906, the same Board passed and adopted a resolution as follows:

"Resolved, That in accordance with Article 1, Section 1662, of the School Law of California, principals are hereby directed to send all Chinese or Korean children to the Oriental Public School situated on the south side of Clay street, between Powell and Mason streets, on and after Monday, October 15th, 1906."

Prior to the adoption of said resolution the so-called Oriental School was established. The petitioner, an infant of ten years of age, had, prior to October 15th, 1906, attended a public school in the City and County of San Francisco, where children of other parentage than Chinese, Korean, Indian attended, but on January 17th, 1907, in accordance with said resolutions and laws, he was denied admission into any of the public schools of the City and County of San Francisco of the Grammar or Primary Grade, except the said Oriental Public School, established for Chinese, Japanese and Korean children. Being thus denied admission into any other school than the said Oriental School, the petitioner now seeks to enforce such right on the ground that he is so entitled because of the stipulations contained in said treaty existing between this Government and the Empire of Japan. The question is then presented—is the establishment of a public school system by the State of California, supported and sustained by taxation of its own people, a matter of State or Federal concern? Shall our schools be directed and managed by the authorities of the State under State laws, or by the authority of the General Government under *treaty* stipulations? Is our public school system supported and sustained by the taxation of our people for *their children*, or for the benefit of the children subjects of foreign countries? Being a matter only of domestic concern and within the scope of the police powers of the State, we contend that the right and power to regulate and conduct our public schools belong wholly to our State, and any attempt on the part of the Federal Government, or on the treaty making power, to interfere with such regulation and conduct is not only in excess of the powers of either the General Government or the treaty making power, but is subversive of the well-being and safety of the people of the State of California.

This case is without precedent. Never before has any attempt been made to enforce a right of this character through treaty stipulations on behalf of foreign subjects. Efforts have been repeatedly made on the part of citizens of the United States to defeat legislation by the States establishing separate schools for persons of the colored race. Several of the States of the Union have enacted statutes, and they are still now in full force and effect, establishing separate schools for negro children, and the right to so establish such schools has been challenged on the ground that such legislation was in conflict with the fourteenth amendment to the Constitution of the United States, guaranteeing to its citizens equal privileges, rights and immunities, and the equal protection of the laws.

One of the earliest of these cases is that of *Roberts vs. City of Boston*, 5th Cush. 198, in which Chief Justice Shaw said:

"The great principle advanced by the learned and eloquent advocate for the plaintiff (Mr. Charles Sumner) is that by the Constitution and the laws of Massachusetts, all persons, without distinction, age or sex, birth or color, origin or condition, are equal before the law. * * * but when this great principle comes to be applied to the actual and various conditions of persons in society, it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and to be subject to the same treatment, but only that the rights of all as they are settled and regulated by law are equally entitled to the paternal consideration and protection of the law for their maintenance and security."

It was held in this case that the establishment of separate schools for children of different ages, sexes and colors was legally and properly done.

Similar laws have been enacted by Congress under its general power of legislation over the District of Columbia. (Sections 281, 283, 310 and 319, Revised Statutes, D. C.) The legislatures of many of the States have passed laws providing for the establishment of separate schools for negro children, and such have been generally sustained by the courts.

State vs. McCann, 21 Ohio St. 210.

Lehew vs. Brummel, Mo. 15 S. W. 765

Ward vs. Flood, 48 Cal. 36.

Burtonneau vs. Directors of City Schools, 3 Woods 177.

Federal Cases, No. 1361.

People vs. Gallagher, 93 N. Y. 438.

Corey vs. Carter, 40 Ind. 337.

Dawson vs. Lee, 83 Ky. 49.

In the case of the *People vs. Gallagher*, 93 New York 438, it was said:

"The school authorities have power, when in their opinion the interests of education will be promoted thereby, to establish schools for the exclusive use of colored children, and when such schools are established and provided with equal facilities for education, they may exclude colored children from the schools provided for the whites. The establishment of such separate schools for the exclusive use of the different races is not an abridgement of the privileges or immunities preserved by the 14th Amendment of the Federal Constitution, nor is such a separation a denial of the equal protection of the laws given to every citizen by said Amendment. It seems that the privileges and immunities which are protected by said Amendment are those only which belong to the state as a state of the United States. Those which are granted by a state to its citizens which depend solely upon state laws for their origin and support are not within the constitutional inhibition and may lawfully be denied to any class or race by the state at its will and discretion. It seems also that as the privilege of receiving an education at the expense of the state is created and conferred only by state laws, it may be granted or refused to any individual or class at the pleasure of the state."

Subsequently, in the case of *People vs. School Board*, 161 N. Y. Appellate Decisions 469, Court of Appeals, the case of *People vs. Gallagher*, *supra*, was confirmed, the Court saying:

"If the Legislature determined that it was wise for one class of pupils to be educated by themselves, there is nothing in the Constitution to deprive it of the right so to provide. It was the facilities for and the advantages of an education that it was required to furnish all the children, and not that it should provide for them any particular class of associates while such education was being obtained. In this case there is no claim that the relator's children (colored children) were excluded from the common schools of the borough, but the claim is that they were excluded from one or more particular schools which

they desired to attend, and that they possessed the legal right to attend those schools, although they were given equal conditions and advantages in another and separate school. We find nothing in the Constitution which deprived the School Board of the proper management of the schools in its charge or from determining where different classes of pupils should be educated, always providing, however, that the conditions and facilities were equal for all. Nor is there anything in this provision of the Constitution which prevented the Legislature from exercising its discretion as to the best method of educating the different classes of children in the state whether it relates to separate classes as determined by nationality, color or ability, so long as it provides for all alike in the character and extent of the education which it furnished and the facilities for its acquirement."

In the case of *Wong Him vs. Callahan*, 119 Federal Reporter 381, the Political Code of California, section 1662, was considered, and it was there held that the separate schools established by the trustees for the children of Mongolian descent was not in violation of the Fourteenth Amendment to the Constitution, it appearing that the schools so established offered the same advantages as the other schools.

In the case of *Lehew vs. Brummel*, decided March 9th, 1899, by the Supreme Court of the State of Missouri, speaking of the provision of the Fourteenth Amendment prohibiting the States from making or enforcing any law which shall abridge the privileges or immunities of a citizen of the United States, and that no State shall deny to any person within its jurisdiction the equal protection of the laws, the Court says:

"The common school system of this state is a creature of the state constitution and the laws passed pursuant to its command. The right of children to attend the public schools and of parents to send their children to them is not a privilege or immunity belonging to a citizen of the United States as such. It is a right created by the state and a right belonging to citizens of this state as such. It therefore follows that the clause in question is without application to the acts in hand. We then come to the simple question whether our Constitution and the statutes established and maintained at public expense for the education of colored persons only denied to such persons equal protection of the laws. It is to be observed, in the first place, that these persons are not denied the advantages of the public schools. The right to attend such schools and receive instruction thereat is guaranteed to them. The framers of the Constitution and the people by their votes in adopting it, it is true, were of the opinion that it would be well to establish and maintain separate schools for colored children. The wisdom of the provision is no longer a matter of speculation. Under it the colored children of the state have made a rapid stride in the way of education, to the great gratification of every right-minded man. * * * But it will be said the qualification now in question is one based on color, and so it is, but the color carries with it race peculiarities which furnish the reason for the exclusion. There are differences in races and between individuals of the same race not created by human laws, some of which can never be eradicated. These differences create different social relations recognized by all well organized governments. If we cast aside chimerical theories and look to practical results, it seems to us it must be conceded that separate schools for colored children is a regulation to their great advantage. * * * The fact that the two races are separated for the purpose of receiving instruction deprives neither of any rights. It is but a reasonable regulation of the exercise of the right, as said in the case just cited—(*People vs. Gallagher, supra*)—equality, and not identity of privileges and rights is what is guaranteed to the citizen. Our conclusion is, that the constitution and laws of this state providing for separate schools for colored children are not forbidden by or in conflict with the 14th Amendment of the Federal Constitution."

The Supreme Court of the United States, in the case of *Plessy vs. Ferguson* (Supreme Court Reports, Volume 16, page 1138), had before it the question of the constitutionality of an Act of the General Assembly of the State of Louisiana, providing for separate railway carriages for the white and colored races, and in the discussion and determination of that question, had occasion to review almost all the cases from the several States respecting the rights and powers of the States to enact legislation establishing separate schools for the white and colored races, and whether or not such legislation was in conflict with the Fourteenth Amendment of the Federal Constitution. The Court said:

"The object of the Amendment (14th Amendment) was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or the commingling of the two races upon terms unsatisfactory to either. Laws permitting and even requiring their separation in places where they are liable to be brought in contact do not necessarily imply the inferiority of either race to the other, and have been generally if not universally recognized as within the competency of the state legislature in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children which have been held to be a valid exercise of the legislative power even by states where the political rights of the colored race have been longest and most earnestly enforced."

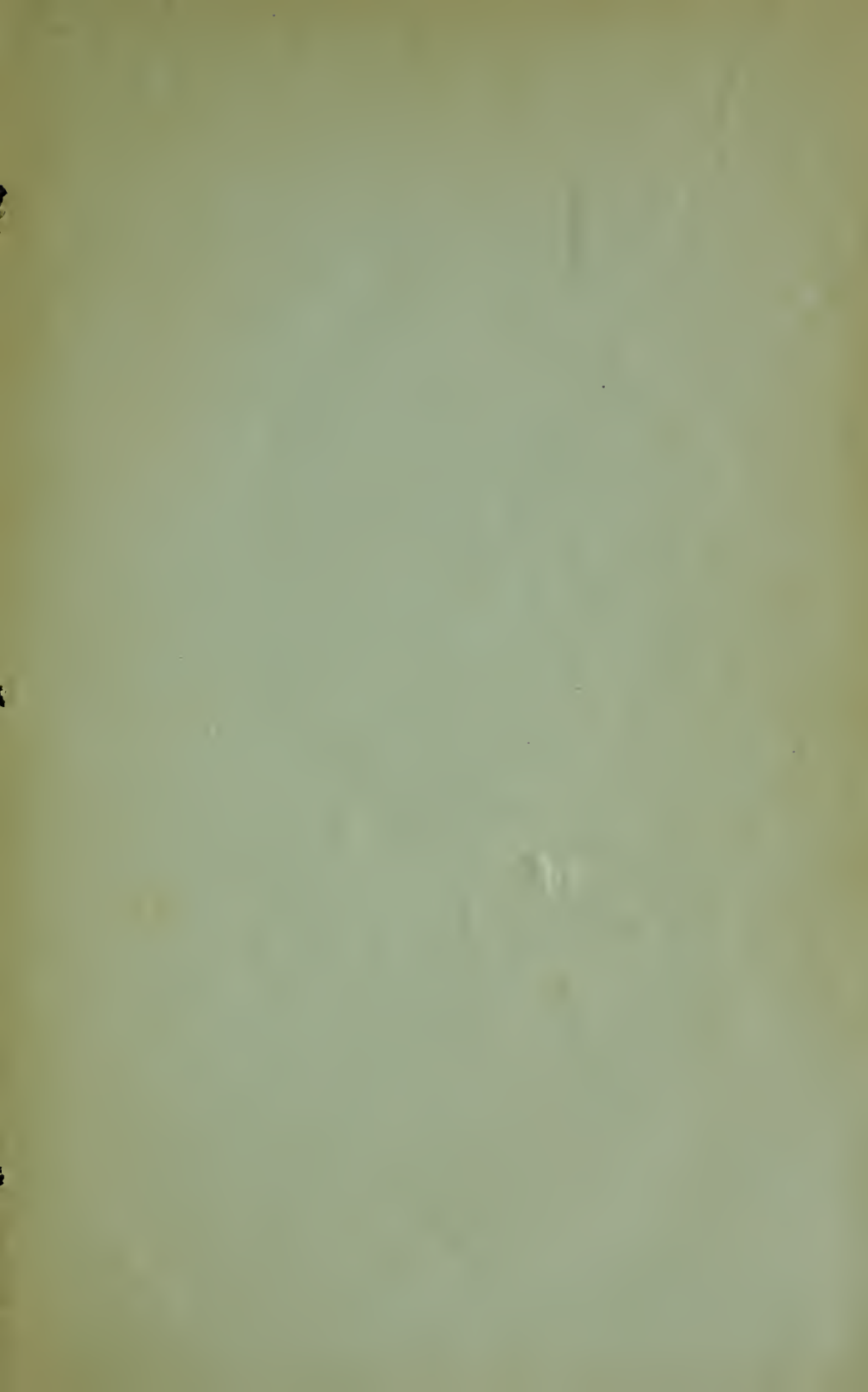
After a review of all the cases upon the subject, the Supreme Court of the United States held the Act of the State of Louisiana to be valid.

It will be remembered that Congress passed an Act called the "Civil Rights Bill" entitling all persons to the full and equal enjoyment of conditions, advantages and privileges of inns, public conveyances, theaters and other places of public amusement, and specifically made the Act applicable to citizens of every race and color, regardless of any previous condition of servitude. This Act was declared unconstitutional and void upon the ground that the Fourteenth Amendment was prohibitory upon the States only and the legislation authorized to be adopted by Congress for enforcing it was not direct legislation on matters respecting which the States were prohibited from making or enforcing certain laws or doing certain acts, but was corrective legislation. In delivering the opinion of the Court in this case (109 U. S., page 3), Mr. Justice Bradley said that the Fourteenth Amendment

"does not invest Congress with power to legislate upon subjects that are within the domain of state legislation or state action of the kind referred to."

The Supreme Court further said in the case of *Plessy vs. Ferguson, supra*:

"We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with the badge of inferiority. If this be so, it is not by reason of anything found in the Act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case and is not unlikely to be so again, the colored race should become a dominant power in the state legislature and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race at least would not acquiesce in this assumption. The argument also assumes that social prejudice may be overcome by legislation and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of equality it must be that the result of natural affinities and mutual appreciation of each other's merits and a voluntary consent of individuals."



THE JAPANESE PROBLEM

FROM A HISTORICAL VIEWPOINT

SPEECH
OF
HON. JULIUS KAHN
OF CALIFORNIA
IN THE
HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 9, 1920



WASHINGTON
1920

23330—21203



SPEECH
OF
HON. JULIUS KAHN.

THE JAPANESE PROBLEM FROM A HISTORICAL VIEWPOINT.

Mr. KAHN. Mr. Speaker, less than 70 years ago Commodore M. C. Perry, under instructions from President Millard Fillmore, made a treaty with the Shogun of Japan, opening some of the ports of that Empire to American ships. Since then Dai Nippon has had a marvelous history. No one who has kept track of the progress of events connected with Japanese affairs can fail to realize what a wonderful people the Nipponese are. To look upon them as inferior to the white man is rightly considered an insult to their civilization, to their intelligence, to their pride by all classes in the Empire.

Unfortunately, many public officials in Japan, as well as their political agitators and demagogues, have tried to make the world believe that the opposition to the entrance of Japanese laborers into the United States mainland is based upon racial prejudice. We of the Pacific coast deny that this is the case. No objection has ever been made to the admission into this country of Japanese professional men, of Japanese financiers, or Japanese religious teachers or leaders, or bona fide Japanese merchants, or Japanese students, or Japanese travelers. If there were racial hatred behind the movement for the exclusion of Japanese laborers, objection would also be made to the classes I have just named. However, the sole objection is to the laboring class. Whether the undesirables be farm laborers, skilled mechanics, or unskilled coolies, I contend that the objection is purely an economic one. In closing our doors to these laborers we simply follow in the footsteps of Japan herself. It is a well-known fact that no Chinese or Korean laborer is allowed to enter any Japanese territory, for the reason that the laborers of China and Korea work for a smaller wage than the Japanese laborers. This is not generally known in the United States, and I deem it my duty, as a Representative from the State of California, to advise all of my countrymen regarding the true condition of affairs as to the immigration question which has caused, and is now causing, so much newspaper controversy according to published accounts in our American press concerning the attitude of so many publicists, politicians, political agitators, and public officials in the Empire of Japan. Yes, my colleagues, Japan herself is doing to the laborers of China and Korea what she claims is racial hate or prejudice when done by us to Japanese laborers.

Another source of irritation is the so-called alien land question. As a matter of fact, Congress itself many years ago passed a law forbidding aliens to own or acquire land in the District of Columbia, which is the very seat of our Federal

Government. Many of our States have adopted similar laws. Japan herself does not allow an alien to own an inch of land in Japan. In 1910, however, the Imperial Diet, or Parliament, of the Empire passed a law removing the restrictions. But the lawmaking body affixed a condition to the effect that the Emperor was to promulgate the law after having prepared and proclaimed certain rules, regulations, and conditions under which the realty could be transferred by deed to a foreigner. In other words, the law was not to go into effect until the Mikado had acted affirmatively in the premises. That was nearly 11 years ago, but to this very day the Emperor has not seen fit to put the law into effect—and no alien to-day is allowed to acquire an inch of land in the Japanese Empire.

I believe all teachers, students, and professors of international law agree that every nation has the absolute right to regulate as it deems best all immigration into its borders and also the possession of any realty within its area. [Applause.] Undoubtedly the students and professors of international law in Japan are thoroughly familiar with the numerous decisions upon these points. It is therefore most unfortunate that a constant agitation regarding these matters is maintained by our neighbor across the Pacific; because the final effect of such propaganda and agitation undoubtedly is to instill a pronounced hatred of America and Americans among the masses in Japan. This is a decidedly unfortunate condition of affairs. Indeed, I say it is a most serious condition—a condition that may result, unfortunately, in grave difficulties between the two heretofore friendly nations.

True, Japan contends that her law is aimed at all foreigners, whereas the laws adopted by the State of California refer only to those foreigners who are prohibited by the laws of the United States from securing the privilege of citizenship in this country.

The student of history will find that Japanese immigration to California and the Pacific coast really did not begin until 1891 or 1892. The number of Japanese who had gone to the west coast of America up to that time was so few that they might be referred to as a negligible quantity. At that time a great deal of foreign money had been invested in California in the purchase of mines and mining properties; foreigners had purchased large tracts of land known as ranches for the breeding of cattle and horses and the raising of wheat, fruit, and purposes of similar character. The land question had not become acute in any way because of these investments. The population of California at that period was less than half what it is to-day. The matter was given little attention by the legislature of the State until comparatively recent times. The fact that the laws recently enacted were applied to foreigners who can not become citizens of the United States is dwelt upon with especial emphasis by the people of Japan as an indication of racial hatred of the Japanese in California. The matter, however, is practically in the same category as the question of immigration and settlement. I shall later refer to the attitude taken by Secretary Gresham in negotiating with the Japanese Government on those matters in connection with the treaty of 1894, when Japan, after having insisted on free immigration and settlement for her citizens to and on the mainland of the

United States, withdrew her claims and accepted the American position on that proposition. In my opinion, the same rule that was applied to immigration applies equally to the ownership of land under international law and custom.

When we consider the history of the island Empire since 1853, the time of Perry's visit, the students of world events realize how frequently mischief has been done in Japan by unrestricted agitation and seemingly inspired propaganda.

Soon after the Shogun had concluded his treaty with Perry the other nations of the world sought to make similar treaties. These were finally negotiated and entered into by the officials of Japan. Under the terms of these treaties the right of extraterritoriality was accorded each country that entered into a compact. In other words, if the citizen of the country with which the treaty had been negotiated committed any offense against a citizen of Japan or against Japanese law, he was tried not in a Japanese court but in a consular court of the country of which he was a citizen. The Japanese people—proud, patriotic, and sensitive—justly regarded this right of extraterritoriality as a reflection upon the integrity, the honesty, and the ability of the judges and the courts of Japan. Most of these treaties had been negotiated in the period preceding 1871. From that time forward, however, there was a determined agitation in Japan to have the treaties with the occidental nations modified. I am happy to state that as early as 1884 our Government, the Government of the United States of America, announced its readiness to accept the change suggested by the Japanese foreign office. We were probably the first nation to meet the wishes of the Government of Japan in that respect. However, all the maritime nations did not view the matter as did our own Government. The agitation for the change persisted in Japan. In 1889 Count Okuma, who at that time was the Japanese foreign minister, finding that all European nations would not accept the demands of the Japanese people on the question of extraterritoriality, accepted a compromise, under whose terms the consular officer of the Government of which the foreigner was a citizen was to sit on the bench with the Japanese judge trying the case; and the two officers—that is, the Japanese judge and the consul of the foreign country—were to hear the matter jointly and decide according to the evidence produced at the trial. When this compromise plan was announced the Japanese press and public denounced it in bitter and acrimonious terms. The foreign minister became the target for a torrent of violent abuse. The upshot of the matter was that when Okuma came out of the building where the cabinet officers met he was confronted and greeted by an antagonistic mob, one of whom threw a bomb at him with the undoubted intention of assassinating the minister. The missile struck him on his right leg. The leg was completely shattered and had to be amputated. So this brilliant Japanese statesman and scholar became a victim of the very forces which, according to present-day newspapers, are being stirred up by the agitators, demagogues, and reckless politicians of Japan to an intense feeling of animosity against the people of the United States on account of the attitude of California on the immigration and land questions.

Count Okuma, be it remembered, at the present time is one of their foremost statesmen. He is one of their ablest leaders. He is also the president of the Japanese Peace Society. One would hardly expect, therefore, to find that a man of his wonderful ability and the head of the association of peace-loving Japanese threatening that if the Government of the United States should dare to restrict Japanese immigration to the mainland of our country by statute law instead of arranging for such restriction by the voluntary action of Japan, the latter rather than "suffer such prejudice to her prestige must resort to force." Surely, the head of the Peace Society of Japan could not have been correctly quoted in the newspaper publications which reported him as favoring, under certain circumstances, "resort to force." Surely, the head of the Peace Society of Japan does not advocate the taking up of arms against the United States as indicated in the newspaper articles. Surely, the head of the Peace Society of Japan will do everything he possibly can do to prevent a conflict between the two nations. Surely, the head of the Peace Society of Japan, after his own personal experience with a Japanese mob, does not believe that any good can be accomplished by arousing the passions and the hatred of an excitable, emotional, patriotic, race-proud people, who visited their displeasure upon the very person of this veteran statesman of Japan. In our own history I do not recall that any American cabinet officer has ever been attacked physically by any mob or even by any individual on account of the views expressed or uttered, or the official action taken by the cabinet officer while in the proper discharge of the duties of his position.

I have often been led to believe in reading Japanese history and following political events in the Island Empire that there are many more political agitators and demagogues on the other side of the Pacific than we can possibly find in our own country. I may be in error, but at least I have gained that impression from the books and periodicals I have read on the subject. So that I really have a profound sympathy for the members of the Japanese cabinet. I realize fully the graveness of their responsibilities.

Why, I was in Tokyo in 1901. Just at the time of my visit a remarkable criminal trial was taking place there. Hoshi Toru, the former minister of communications, had been deliberately assassinated. He was well known in the United States, having been the head of the legation of his country at our National Capital. He had been recently recalled and had been appointed to the post of minister of communications in the Ito cabinet of 1900. One day a teacher by the name of Iba Sotaro walked into an office in Tokyo, where Hoshi was conversing with the mayor and several of the members of the municipal assembly of that city, and killed him in cold blood. The prisoner was promptly put on trial for his life. As I stated, I happened to be in the Japanese capital at the time. Some of my friends there informed me that the prisoner made a remarkable statement in his own defense. Of course, I can only give the purport of his language as narrated to me, but I remember it very vividly. He said in effect:

Yes; I killed Hoshi. I am ready to die for it. I am a teacher. It is my duty to instill into the minds of the children of Japan a love of their Emperor, a love of their country, a love of their institutions.

Hoshi was a notoriously corrupt official; he was an unscrupulous and crooked official. How could I teach the children a love of their Emperor, a love of their country, a love of their institutions with such a criminal at the head of the educational society of Tokyo? And so I felt called upon to kill him. I called at his office. He was seated at his desk with his back to me. I did not want future generations to say that I had murdered him in cold blood, so I shouted "Hoshi!" With that he turned and faced me. Then I exclaimed, "Traitor, Hoshi!" and ran my sword through his heart. And now I am ready to die.

In fact, a letter which was found on the person of the assassin when he was arrested gives practically the same reasons for the commission of the deed. It is an interesting, human document, and discloses the frame of mind of a high-strung, patriotic, but intensely emotional citizen of Japan. I therefore read it in its entirety for the information of the House:

I was not acquainted with Mr. Hoshi Toru, and I had no ill feeling toward him. Once I held the position of chairman of the educational committee of the Yotsuya district, and I was appointed one of the promoters of the Tokyo City Education Society, when I met Mr. Hoshi for the first time. He was president of the society, but his conduct was remarkable for its depravity. As I was unwilling to have any connection with him on the sacred matter of education, I decided to leave the society. Since that time I have paid no attention to his action. But this old thief Hoshi has been disorganizing the municipal administration of Tokyo, and has been damaging the morality of the people of the capital. He occupied an honorable office, which should have made him responsible for the care of the municipal officials and for their faithful discharge of their duties. Despite this fact he took a leading part in the abominable bribery affair, which is positively disapproved by the sovereign and the people. His accomplices in this nefarious business were found guilty, but the shameless fellow has not mended his ways, but continued the gratification of his greed. I believe that there can be nothing more poisonous than his action in demoralizing the student class of our country. My ancestors taught the art of fencing. I disclaim any deep knowledge; I have also taught my students the art of fencing and of literature with all sincerity, and I also aimed at the progress of agriculture and of industry. I have never been connected with any political association, as I was connected with the Tokyo Agricultural School for six years, with the Nippon Savings Bank for four years, with the Yedogawa Paper Mill for three years, with the literary society for four years, and with the Yotsuya Bank for the last year. I have been a promoter of all these institutions, and have been president of all. Thus, as I had no connection with any political parties, I had no personal ill feeling toward Mr. Hoshi.

The reason for my killing this old thief, disregarding the future of my wife and children, irrespective of public opinion, at the expense of my own life, is that I could not bear to see this fellow doing evil deeds in the capacity of president of the City Education Society, and also discouraging and demoralizing the municipal administration of Tokyo, which can not fail to cause anxiety to my august sovereign.

It is needless to say that there was great excitement in Tokyo during the trial. The defendant was found guilty, but instead of the death sentence being pronounced upon him he was given three years' imprisonment in the penitentiary. I merely cite this instance to show how mercurial, how volatile, how excitable our friends on the other side of the Pacific are. Due to this fact, bitter personal attacks have been made at times upon prominent statesmen, and occasionally one would fall at the hands of an assassin. Thus Okumura was killed by an enraged citizen of Japan, while Viscount Mori succumbed to the attack of an embittered Shinto follower in 1889. Count Itagaki was stabbed by a hot-headed young Japanese, and similar attacks were made upon Kokoi, Omura, and Hirosawa. Naturally attacks of this character must affect the action of the

men in power and authority in the island Empire. For that reason I have constantly asserted that I have a deep sympathy for the officials of that country. There is no gainsaying the fact that the people of Japan are intensely patriotic. They love their Emperor, their country, and their institutions with a devotion that might well be emulated by the peoples of all nations. Still, I can not help believing that with a population of that kind to work upon, the efforts of the demagogues, the agitators, and the unscrupulous politicians of Japan to arouse the passions, the hatred, and the prejudices of the masses is an exceedingly dangerous proposition.

Happily, we in America are not worked into a frenzy of excitement by purely political happenings. Take the case of our acquisition of the Hawaiian Islands. As we recall, when this country entered the Spanish-American War it became necessary to send American troops to Manila Bay. Our Army transports and man-of-war vessels stopped at Honolulu on their way to the Philippines. The representative of the Spanish Government in Honolulu made protest to the then Government of the Republic of Hawaii against the entrance and stay of our vessels in the neutral port of Honolulu for a period extending beyond 24 hours. The Hawaiian Republic promptly claimed that it was not neutral, but was in very fact the ally of the United States; and soon thereafter Congress, acting in accordance with the precedent established by the acquisition of Texas, passed a resolution annexing the Hawaiian Islands to the territory of the United States. It is a notable circumstance that Japan is the only country in the world that filed a formal protest against our acquisition of those islands. And even in these times the Japanese vernacular press frequently refers to what they call our unauthorized seizure of the islands.

Did the American people become unduly excited because of this seemingly unfriendly action of Japan? Not at all. Our Government took up the Japanese protest in an orderly way. The people of the United States went about their business as usual. Eventually the matter was explained to the satisfaction of the Japanese Government, and so far as that Government is concerned it has been a closed incident ever since. To show that the people of the United States did not become enraged or excited over this matter, it is but necessary to recall that in 1904, when Japan struck Russia simultaneously at Port Arthur and at Chemulpo, and then declared war on Russia, the sympathies of a large proportion of the people of the United States were with the Japanese. The bankers and financiers of America bought the bonds of the island Empire and thus rendered the Government and people of that country financial assistance that was invaluable. The people of Japan, as well as the politicians of that country, seemingly were grateful for the moral and financial support thus rendered by the people of the United States.

I might add that under the peace treaty of Versailles the Government of Japan was given the German islands in the Pacific, north of the Equator. The President of the United States was at the head of the American Peace Commission that signed the treaty. He acquiesced, as did the people of the United States, in the transfer to Japan of the Marshall group, the Caroline group, the Pellew Islands, and all the islands of

the Marianne or Ladrone group, with the exception of the island of Guam, which had been transferred to our Government under the treaty of peace with Spain at the close of the Spanish-American War. These islands, to be sure, had belonged to Germany. They, in a measure, bar the way to our ships going to the Philippines. They bring the territory of Japan many miles nearer the Territory of Hawaii; and yet one has heard no real complaint on the part of American citizens upon the subject of these territorial acquisitions by Japan.

Our own officers and soldiers learned to appreciate the valor, the courage, and the wonderful military skill and ability of the Japanese military forces during the incidents connected with the Boxer uprising in China in 1899 and 1900. So that during the Russo-Japanese War the citizens, as well as the politicians of the United States, had every reason to believe that we were still the so-called "traditional friend of Japan." But we had rather a rude awakening. Col. Roosevelt, in his autobiography, refers to the incidents. Japan had won wonderful victories during the year that the war was in progress; splendid victories on land as well as brilliant victories at sea. But the loss of the Japanese man power was terrific; the cost of the war to Japan and undoubtedly to Russia was enormous. It was an open secret that the war could not continue for any great length of time because of the cost in men and in treasure to the island Empire; and so the Japanese Government approached the American President with a request that he endeavor to bring about the conclusion of peace between the two nations. When Roosevelt approached Russia he was met at the outset with the statement that Russia would pay no indemnity. He tried to reason with the Russians and to induce them to meet the wishes of Japan upon that proposition. Count Witte's frequent and terse statement that Russia would pay "not one kopek" became historic. And Roosevelt wisely told the officials of Japan that the world's esteem for the Japanese would be materially lessened if Japan insisted on carrying on the war, with its terrific loss of life and blood, as well as property and treasure, for the sake of forcing the payment of an indemnity. By reason of his diplomacy, activity, and arguments he induced the two belligerents to meet in an effort to establish peace. The history of the negotiations at Portsmouth, N. H., are known to the world. I spoke to the former President personally regarding the entire matter.

Whether the Japanese officials were entirely open and above-board with their own countrymen, I will not attempt to say. I do know that when the terms of peace were promulgated and it developed that no indemnity had been paid by Russia to Japan, the wrath of the people was vented openly upon Americans in the streets of Tokio. Mr. E. H. Harriman, the well-known railroad president of the Southern Pacific and Union Pacific Companies, as well as the members of his party, were openly assaulted by the mob in the capital of Japan. And I regret to say that from the day the treaty was published in Japan the seeming former good feeling of the people of Japan for the people of the United States has passed away and apparently no longer exists.

Unfortunately, it seems evident that everything that is done by the people of the Pacific Coast States in regard to the pro-

tection of their rights and interests is magnified and misinterpreted by some of the politicians and practically all of the agitators of Japan.

It is needless at this time to go into the details of the agitation that took place on the other side of the Pacific in connection with the matter of attendance of Japanese students in the public schools of San Francisco. As a matter of fact, there was never any objection in San Francisco to the admission of Japanese to the grammar schools, the high schools, or to the State university at Berkeley. The sole objection was with reference to admission to the primary schools. It was found that Japanese youths, 18, 19, and 20 years of age, unable to speak or write English, would be put into the classes where our little boys and girls, 6 and 7 years of age, were taught. It was against that custom that the action of the Board of Education of San Francisco was directed. The occidentals of advanced age, who did not speak or write English, generally attended the adult foreign classes of the night schools of San Francisco. The Japanese, however, chose to attend the primary classes of the day school with the very young children. The action of the school board gave rise to acrimonious newspaper utterances and bitter attacks against Californians in the Empire across the Pacific. The matter was eventually straightened out, however, and nothing further has had to be done in regard to that subject.

But the immigration question had become a source of embarrassment to the national administration. It might be interesting at this time to state that in 1894, when Japan was negotiating for a new treaty with the United States Government, looking to the abrogation of the then existing treaty, with its provisions on extraterritoriality, she coupled with that request an entirely new proposition about unrestricted settlement in the United States of Japanese immigrants. Secretary of State Gresham constantly maintained that our Government had decided views on Asiatic immigration and sustained our position in that respect continuously during the negotiation. Finally the Japanese Government yielded entirely to the views of Secretary Gresham, thus fully recognizing the right of our country to differentiate between the classes of immigrants that might be admitted to our shores. I simply mention these facts to show that Japan in the past had recognized the attitude of our Government in the matter of the exclusion of Japanese laborers. Finally, in 1907, President Roosevelt undertook to settle the differences between our country and Japan by what is known in our history as the gentlemen's agreement. Briefly stated, the purpose of that agreement is to prevent Japanese laborers from coming from our insular possessions to the mainland of the United States, and to limit materially the total number of Japanese laborers who might enter our ports. The Japanese Government, on its part, agreed to give no passports to Japanese laborers, except the wives, parents, or children of those already here, to come to the mainland of the United States. As no Japanese of any class can leave his country without an official passport from his Government, it was hoped this agreement would solve the immigration problem. I can say frankly that at the time that agreement was negotiated it was believed that it would help finally to settle the differences between the two countries on the subject of immigra-

tion of Japanese laborers. Unfortunately the Americans were not familiar with the social and religious customs of Japan or they probably would have made additional provisions in that agreement.

The Japanese people are largely members of the Shinto faith. Among other things, Shintoism is the belief in the worship of one's ancestors.

For the first two years after the gentlemen's agreement had gone into effect, the number of Japanese landing in the ports of the United States decreased materially. In 1900 only 1,500, in round numbers, entered this country. But soon thereafter the number again began to increase enormously. One of the reasons was this: A married couple in Japan who have no son to carry on the family name can adopt an adult male, and he accordingly becomes the adopted son of the couple. Under the gentlemen's agreement, a couple in Japan could and did frequently adopt an adult son who was a laborer in California. Under the agreement, as soon as the adoption proceedings had been formally consummated under Japanese custom, the adopted son had the right to send for his parents and bring them into the United States. This the son invariably did.

When the parents arrived in our country, they also had the right to send for their other children; sometimes these would consist of quite a family of girls or minor boys, and they were in most cases all brought to this country. One can readily see how the custom might be worked into an endless chain of constantly increasing immigration. Naturally, the Californians felt that this was a violation at least of the spirit of the law, and it gave rise to a great deal of apprehension as to the efficacy of the gentlemen's agreement in the accomplishment of the avowed purposes.

Another source of dissatisfaction was what is known as the picture bride incident. Under Japanese social and religious customs a man can select his wife by photograph. A number of pictures would be sent to Japanese bachelors in the United States; these were plain Japanese laborers. When the picture bride was selected by the prospective groom the marriage of the girl to the laborer in California was solemnized in Japan, a proxy groomsman officiating for the purpose. Immediately after the ceremony the bride would take passage for California, and would, for the first time in her life, meet her husband, who invariably was at the dock in San Francisco on the arrival of the steamer bearing his spouse. Through this means the number of women immigrants increased by leaps and bounds.

When the gentlemen's agreement was negotiated there was no thought in the mind of President Roosevelt, or any American, that this system would be invoked to bring thousands of Japanese female laborers to the United States. Again, there seemed to be an apparent effort by means of the picture brides to evade the true spirit of the agreement. All of this has resulted in constant misunderstanding and has been the cause of considerable trouble in the matter of the immigration of the Japanese laboring classes to the United States.

The Japanese Government recently, by reason of the attitude of the Californians on the subject of picture brides, decided to prevent a continuation of the custom. I am sure that Japan in making this change realized the injury that was being done her

cause by allowing the practice to continue; and, with all due respect for the sentiment of Japan, I frankly state that it would have been better if she had never allowed the practice to obtain at any time after the gentlemen's agreement was negotiated.

One of the difficulties of the whole situation is the fact that the attitude of the people on the Pacific coast is misrepresented by the demagogues of Japan. I can not repeat too strongly the statement that the people of the West have the greatest respect, the greatest appreciation, the greatest admiration for the Nipponese. Nobody considers them in any way inferior to the white man. But their habits of thought, their customs, their traditions are different from ours. Japanese publicists, agitators, and politicians seem to insist that our objection, as I have stated before, is racial. These habits and customs to which I have referred are not practiced by the Shozuki, or higher-class Japanese in the United States. They are practiced entirely by the laboring class, and we in California consider that these customs and habits make the Japanese laborers a non-assimilable element in our Western States.

I want to say that only this morning I received in my mail a pamphlet issued by Prof. Yoshi Saburo Kuno, assistant professor of oriental languages at the University of California. A sentence which caught my eye on opening the book shows how accurate the Californians are in their estimate of the Japanese in that State. This is what the learned professor says:

All Japanese in the United States, including native sons and daughters, being, from the standpoint of Japan, her subjects, are obliged to report births, marriages, and deaths, besides movements of the family, to the Japanese Government.

So that from the moment he lands in the United States every Japanese is constantly in touch with his home Government and is compelled under their laws and customs to furnish this information. It bears out exactly what the people of California have always contended in the matter of nonassimilability.

But in all the agitation on this subject on the Pacific coast there has never been any talk of war. We in America hope, with Premier Hara, that war between the two nations is unthinkable.

I am free to admit that we do not understand in this country the intricacies of Japanese politics. We know that the Japanese have shown their prowess in two great wars—the war with China in 1894 and that with Russia in 1904. In addition, Japan performed wonderful military and naval services in the cause of the Allies in the recent World War in 1914.

With the aspirations of the militarists of Japan, with the ambitions of many of her resourceful leaders for the extension of her territory, I am not concerned at this time, and I do not intend to discuss them at any length at present.

I do want, however, to call to the attention of my countrymen a condition that existed in Japan in March, 1919. An attack was made near Tientsin on some American soldiers. The newspaper accounts cabled to America indicated that the latter in a drunken row got into altercations with Japanese soldiers and a fight ensued. It has been reliably stated, however, that the American soldiers were not drunk and had not been

drunk when the disturbance arose. It has even been said that the Japanese soldiers had their officers advising them as to their course of procedure which resulted in the riot. The story leaked out, however, to the effect that it was pure propaganda work, undertaken in order to impress the Chinese people with the fact that Americans would not only not come to their defense in case of difficulties, but the Japanese would show the Chinese people that the United States Government would not even come to the defense of its own troops if the latter got into trouble. It is to be regretted that the use of propaganda work is frequently resorted to in the island Empire.

When the story leaked out the American consul general immediately went to the Japanese police station near Tientsin, where, it was contended, the American soldiers had been brought, and demanded that these soldiers, who were said to be in the building, be delivered over to the representative of this country. The Japanese officers denied any knowledge of the whereabouts of our soldiers. Just at that moment a terrific groan was heard coming from an adjoining room. The American consul general opened the door, and there, lying on the floor, horribly wounded, beaten, and bruised, were two American soldiers. The story of the assault caused deep indignation on the part of the American soldiers at Tientsin. However, the Japanese officers promptly offered their apologies to our local officers for the incident. The next day an American soldier in walking along a street in Tientsin saw a Japanese soldier near the police station in that city. He immediately walked up to the Japanese and slapped his face. Our American officers then apologized to the Japanese officers.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the time of the gentleman be extended 15 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California be extended 15 minutes. Is there objection?

Mr. GARD. I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

Mr. KAHN. I can easily conclude within 15 minutes.

The SPEAKER. Is there objection to the extension of the gentleman's time 15 minutes?

There was no objection.

Mr. KAHN. I thank the gentleman and the House. I merely cite this incident to show how a spirit of resentment can be engendered by an aggressive, unprovoked attack upon the nationals of a friendly country. The consul general of the United States, I am told, informed his Government of what had happened and an investigation was ordered; four or five weeks later the Japanese ambassador at Washington called at our State Department and offered an apology for what had been done by the Japanese troops. The matter is in a fair way of being amicably settled in a few days and will undoubtedly soon become a closed incident.

And I want to say that the newspapers this morning declare that the Japanese ambassador went to our State Department yesterday and offered the regrets of Japan for the incident, and that our State Department offered apologies for what the American soldier had done. So that it is evidently a closed incident.

The American people have never become excited over the affair. You hear no threat of war on the part of American statesmen, politicians, or even demagogues. I know I utter the earnest hope and the wish of every patriotic American that peace between the two countries may continue perpetually, but I say, in all candor and in all frankness, that if the statesmen, the publicists, the politicians, the agitators, and the demagogues of Japan really want war with the United States they will have to be the ones to bring it on and not the Americans. [Applause.] We are a peace-loving people. We want peace. We hope always to avoid war. We are not looking for trouble. But the world has only recently learned that we are not too proud to fight; nor are we afraid to fight when we are forced into war. [Applause.]

Personally, I favor military preparedness. I favor universal military training, because I see in that plan the greatest safeguard for my country. I have no fear that there will be war between Japan and the United States in my lifetime, nor even in the lifetime of my sons. And I am thoroughly satisfied that if my country remains measurably prepared there will be no difficulty between the two nations at any time. Publicists and authors, however, tell us that Japan is making every effort to unite the yellow races; that Japan, under such a program, hopes and expects to be the leader of such a race amalgamation; that she is striving in every way to acquire and maintain the hegemony of the yellow nations.

Mr. Henry Chung, a native of Korea and citizen of the Far East, who has been in the United States for some years, published his book, "The Oriental Policy of the United States," near the end of 1919. In his preface he makes this clear and straightforward assertion:

Consolidation of Asia under Japanese domination is the vision of the Japanese statesmen; and toward the attainment of this national goal there is unity of purpose among Japanese leaders. With this in view, Korea was annexed, Manchuria was absorbed, inner Mongolia and Fukien Province are being overwhelmed, and last but not least, Japan has obtained from the powers at the peace conference the official recognition of her paramount interests in Shantung. At the present rate of Japanese aggression China can not last very long.

We have read in articles in various publications that the present generation of Chinese are absolutely opposed to the Japanese. Nay, more, they have a hatred of the Japanese. We are told that the growing generation of Chinese is thoroughly antagonistic to the hegemony of Japan.

And I received from one of the Members of the House only day before yesterday a copy of the speech of Marquis Okuma to the delegation that visited Japan in the early part of this year, or rather during the summer. I imagine this speech was given to every member of the delegation and to the laymen who accompanied the delegation. This is what the Marquis said about China at that time:

The Chinese are a nation of hedonists through and through, who live for the joy of the moment and go on piling debts on loans when the nation is on the brink of bankruptcy. What do they spend these borrowed moneys on? Political rehabilitation is always their excuse, but all goes into the private pockets of Government officials. Wait till the end of time, and they will never become a self-governing people.

That is what one of the great statesmen of Japan believes of the ability of the Chinese, and it carries out completely what

the publicists of the Orient tell us is the endeavor of Japan to secure the hegemony of the yellow race.

It is openly stated that Japan, in order to accomplish her purpose, will resort to any expediency she finds necessary. It is even contended at the present time that, despite the agreement entered into by the nations of the world at The Hague in the early part of 1914, to the effect that they will endeavor to wipe out the opium habit in China, Japan has been sending large quantities of morphine, which is nothing more nor less than the narcotic principle of opium, to Shantung and other Chinese Provinces in which she has a strong influence. Of course, the continued use of this drug will help to deaden the patriotic energies of the users thereof. We are informed that the Chinese officials have protested and are protesting vigorously against this attempt to override The Hague agreement on the subject of narcotics. If the stories we hear are true, I presume that when peace is fully restored in the world the other nations will undoubtedly again try to protect the welfare of the Chinese by preventing the importation of morphine from Japan or its possessions.

Responsible publicists do not hesitate to state that even to-day Japan is trying to secure control of the school system of China. What does that mean? Simply this: That Japanese teachers will endeavor to instill in the minds of the very young Chinese a hatred of the white man.

There are 6,000,000 children born every year in China. If that hatred of the white man can find an abiding place in the hearts of the young Chinese, then the Caucasians will have to look out. It will probably be seventy-five or a hundred years before the spirit of hatred can be thoroughly instilled. What are the whites going to do about it? The Japanese constantly point their finger at the United States and its people as being antagonistic to the Japanese because of racial prejudice. I have tried to point out the fallaciousness of that statement. Let me remind my colleagues that similar legislation to that enacted in California and the Western States has also been enacted by the Union of South Africa, by Australia, by New Zealand, and by Canada. These are all British dominions or Provinces or colonies. The officials and the people of these British possessions are just as determined to keep out Japanese immigrants of the laboring class as are the people of the west coast of the United States. There is no doubt but these possessions of Great Britain will develop in population and in wealth very considerably in the years to come. Are the Japanese trying to bring about the world-old conflict between the white races and the yellow and brown races? I sincerely hope not. But it is a question which the statesmen of all liberty loving, democratic nations and peoples will do well to study and bear constantly in mind. [Applause.]

CALIFORNIA AND THE JAPANESE

A Compilation of Arguments Advertised in
Newspapers by the American Committee
of Justice in Opposition to the Alien
Land Law, Together With the
Memorial Addressed to
Congress by the Said
Committee

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The American Committee of Justice
1904 Adeline Street
Oakland, California

December, 1920

This pamphlet was originally published by the American Committee of Justice under the title of "Arguments Against the California Alien Land Law." It is reprinted with permission by the Japanese Association of America, 444 Bush Street, San Francisco.

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Chas. E. Virden, Gen. Mgr. Calif. Fruit Distribution, Sacramento, Cal.
Mrs. A. E. Thurber, Napa, Cal.
Geo. S. Nickerson, Civil and Hydraulic Eng., Forum Bldg., Sacramento, Cal.

FOREWORD

DURING the California campaign of 1920, on the anti-Japanese initiative, the opponents of that measure were denied publicity by the press of the State. The initiative was of such a character as required discussion. It deprived Japanese and Chinese of the most important of the primitive rights of humanity, by denying to parents of those races the right to be guardians of their own children, and turning their young over to the guardianship of the Public Administrator.

In a Christian community, such a departure from the law of nature and the principles of the Christian religion should have been freely and widely discussed by the press, but it was not.

The proponents of the initiative, given the free use of the publicity facilities of the press, used it to promote the impression that the measure would effect the exclusion of Oriental immigration. To the end of fostering this false impression, the press bristled with defamation of the Japanese. From every angle they were attacked by the most appalling slanders and falsehoods.

Under these circumstances, the conscience of the State sought expression and found it in the organization of The American Committee of Justice. That Committee stated the case from every angle and viewpoint in advertisements which it published in the papers of every county in the State. These advertisements are the literature of the campaign. The persecutors of the Japanese have not ventured to deny any statement made in them. Their truth stands unchallenged and undisputed as the righteous statement of the case.

To preserve this literature and perpetuate this statement of facts, in order that enlightenment of public opinion may be promoted, these advertisements are published in this booklet. Let the reader remember that they are the cry of the conscience of California, the expression of its sense of justice, and that they were supported by the votes of 222,086 citizens of the State, who smote the infamous initiative with their ballots.

The Committee sends this message of Truth to the people of the United States, for the healing of a public opinion that has been poisoned by falsehood and hate.

The public expressions of independent bodies of citizens are included, as well as a translation from the *New World*, a San Francisco Japanese newspaper.

Fair Play

All far-seeing Californians concur that the influx of Oriental laborers should be prevented. But this can be done only by the Federal Government, not by any State action. We as honest Americans stand for justice in dealing with Japanese who came here at our invitation.

There is an initiative law to be voted on November 2, denying to the Japanese certain human rights involving our honor and our traditions of fair play.

This law proposes not only to drive the Japanese from the agricultural lands of California, but to deny Japanese children born on American soil the right to have their own parents as guardians.

It is a natural right that the parent is the guardian of the child. This bill provides that the child may be removed from the guardianship of the parent to the guardianship of a public administrator. If Japan should propose a law of that kind touching American children within her jurisdiction, our Government would very firmly and properly demand its repeal.

This law, forbidding the Japanese to lease farmlands, sentences them into competition with American labor in the cities.

It prohibits the Japanese from buying even a single share in any American corporation owning real property.

These proposals are a clear violation of the Fourteenth Amendment of our Constitution, which declares that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

The people of Arizona adopted by initiative a law discriminatory against various aliens, which the United States Supreme Court voided as unconstitutional, saying in its decision: "Equal protection of the law is applicable to all persons, without regard to any difference of race, color or nationality. Discrimination under the pretense of promoting the health, safety or morals and welfare, denies the very essence of personal freedom and opportunity it was the purpose of the Constitution to secure."

This anti-Japanese initiative discriminates between aliens in the right to lease land, and between minor children of aliens in the ownership of land, and is plainly unconstitutional.

The law will embarrass our Federal Government, in whose hands lies the final solution of the question. The State Department is now endeavoring to revise our agreement with Japan for the purpose of excluding Japanese immigration more effectively.

What California wants is not a policy of legal persecution directed against Japanese who are already here, but a constructive immigration policy calculated to safeguard the State against further influx of Oriental labor. The proposed initiative law offers no such solution. It simply complicates the situation and will make the adjustment of the real issue all the more difficult.

Not only does this law invite us to commit an act of injustice and to violate our Constitution, but it insults an honorable nation—a nation which, when San Francisco was on fire, sent a gift of \$250,000 in gold; a nation which has repeatedly manifested respect and friendship for our country.

Japan was the first to participate in our great international exposition in San Francisco, at a cost of almost a million dollars. During the war the

Japanese in our midst contributed two million dollars to our war funds, and at the instance of our Government, rendered invaluable assistance in the production of food materials needed to feed our armies.

Vote NO on Initiative No. 1 on November 2.

Common Sense

The first of the proposed measures on the November ballot is the "Alien Land Law." Before voting on it November 2, we ask you to consider these facts:

The population of California is 3,426,526, of which only 2 per cent are Japanese. In 1919 more white children were born in the State than the total of Japanese births for the ten years preceding.

California should not be placed in the position of 98 per cent of her population being in fear of 2 per cent.

In the last ten years our population increased 1,058,987. It was a 44.1 per cent increase, while that of the whole United States was only 14 per cent. Does that look like the State is being destroyed by its 2 per cent of Japanese?

Our food supply is not keeping up with the increase of population. The first seven months of this year we did not produce enough to feed our own people; imports of food increased \$1,500,000,000.

Why expel the Japanese farmers who raised \$67,000,000 worth of food last year?

To persecute them off the land will make the shortage of farm labor more acute, put thousands of acres out of cultivation, reduce our food supply and inflict economic injury to the State.

Japanese labor on land is non-competitive. It gets the highest farm wages paid in the world. This initiative will drive it from non-competitive labor on land to competitive labor in the cities, where it consumes but no longer produces food. This change is equally injurious to city labor and to the consumers of food. This view was taken by the Labor Councils of Stockton and Sacramento in resolutions opposing "the removal of the Oriental from land to the industries."

Japan permits a corporation, though composed entirely of non-Japanese, to own in fee simple all the land it can buy. It also allows alien individuals to lease land of any kind for fifty years, and to acquire superficies for unlimited period. Yet Initiative No. 1 denies this reciprocal right to a handful of Japanese in California.

Foreigners in Japan, by concessions in perpetuity, own, with improvements, land worth many millions on which they do not even pay taxes. Yet Initiative No. 1 seeks to deny the industrious Japanese in California the human right of even leasing land for productive purposes.

Much has been said of the Japanese law which claims the allegiance of Japanese born in America. French law claims a child born abroad of French parents as a French citizen, subject, if a male, to military service the moment he enters French jurisdiction. Switzerland, Italy, Greece and Germany have similar laws.

Japan is more liberal than these countries, for she allows a child born abroad of Japanese parents to relinquish allegiance to Japan at any time before the age of 17.

Our National Government alone has power to settle all international

questions. We look to Eastern Asia for expansion of our trade. These anti-Japanese movements, and the vituperation and abuse by agitators, and this initiative, do not represent Americanism. They disgrace and embarrass our National Government. Why do it, and injure ourselves at the same time?

Our Secretary of Commerce reports that in the eight months ending August 31, this year, we sold our goods to Asia and Oceania as follows:

To Dutch East Indies	\$34,995,550	}	\$331,195,036
To China	96,311,017		
To Australia	73,054,230		
To British India	65,744,078		
To The Philippines	61,090,161		
To Japan			\$328,663,681

Japan bought of us within \$2,531,355 as much as all Asia and Oceania combined. Is it wise to alienate that commerce by mistreating the Japanese in California?

Vote NO on Initiative No. 1 on November 2.

Defeat It

Between the National question of Oriental immigration and the State question of how to treat the Japanese now in California there should be a clear line of distinction.

The question of Oriental immigration can be solved only by the Federal Administration and Congress. No individual State has power to regulate immigration. And it is precisely the restriction of Oriental immigration in which California is most vitally interested.

Initiative No. 1 on the ballot to be voted on next Tuesday, November 2, is totally ineffective in attaining this end. It will not, and cannot, restrict Oriental immigration, and therefore will not serve the purpose which all far-sighted Californians are anxious to attain.

Not only is this Initiative utterly useless as a means of restricting Oriental immigration, but it is calculated to impede the Federal Government in its endeavor to devise methods to bar out Orientals more effectively.

The State Department is now negotiating a new treaty with Japan for the exclusion of Japanese immigration. Congress, as the result of a recent investigation on the Coast, will also take action for the same purpose. If California ignores this move at Washington and enacts an arbitrary law designed to persecute Orientals already here, it will simply irritate the Federal Government and alienate its sympathy from us.

Initiative No. 1 aims to dispossess a helpless minority of aliens who have come here at our invitation and who are tilling California's soil in compliance with our laws. This Initiative, totally ineffective in restricting future Oriental immigration, merely persecutes the aliens against whom it is directed, and sows the seed of distrust in their minds. No fair-minded, far-seeing Californian could endorse such a proposition.

Only 2 per cent of California's total population is Japanese. In 1919 more white children were born in California than all the Japanese children born here in the ten years preceding. We should not be placed in the ridiculous position of 98 per cent of our population being in fear of 2 per

cent. We would be confessing ourselves weaklings and fools if we were to think that our institutions and civilization are being endangered by the presence of such a small number of Japanese, unobtrusive, law-abiding, minding their own business, and bothering nobody.

The area of land cultivated by Japanese in California amounts to only 1.6 per cent of our farm land. Even of this 1.6 per cent only a very small portion is actually owned or controlled by them. No man with a healthy mind can believe that this is a grave menace to the State.

Neither organized commerce nor organized labor is in sympathy with this Initiative. The San Francisco Chamber of Commerce has taken a definite stand against it. The labor councils of Sacramento and Stockton oppose it. Why? Because they know that this Initiative is based not upon the real need of the State, but upon the unreal fear conjured up by designing persons.

Japan permits a corporation, though composed entirely of non-Japanese, to own land. It also allows alien individuals to lease land for fifty years, and to acquire superficies for unlimited period. Yet this Initiative denies this reciprocal privilege to a handful of Japanese in California.

This Initiative is an affront to the American tradition of honor and fair play. Our innate sense of justice revolts against it. It should be defeated because it insults the American people, rather than because it works hardship for the Japanese.

Defeat this Initiative, and we shall be in a stronger position in urging the Federal Government to protect California against further influx of Oriental immigration. Adopt it, and we shall merely embarrass our Government and make the solution of the real trouble all the more difficult.

Vote NO on Initiative No. 1 on November 2.

Think Twice

On your November ballot is an unjust law. It is Initiative No. 1, known as the Alien Land Law.

It aims to dispossess a helpless minority of aliens industriously tilling California's soil.

The State Board of Control reports that Japanese cultivated 458,056 acres last year. California has an area of 99,617,280 acres, of which about 28,000,000 is farm land.

Of this vast farm land, only 1.6 per cent is cultivated by Japanese. Upon this 1.6 per cent they produce 13 per cent of California's total food output.

Their produce is valued at \$67,000,000, of which 35 per cent is paid land owners as rentals and 45 per cent to labor as wages. The balance of 20 per cent is the reward for Japanese tenants and contractors.

The Japanese have taken up much of the worst land and made it fertile, thus helping to reduce the cost of food for the city worker.

With effective restriction of Japanese immigration now being considered at Washington, there need be no fear that the small Japanese population now here will ever become a dominating element.

The present Japanese population is only 2 per cent of the total. The highest Japanese birth rate is only 7.4 per cent of the whole as against 90.8 per cent of American births.

Within a few years Japanese births will become even less, because [1] immigrants, irrespective of race, have fewer children after the first genera-

tion; [2] the average age of Japanese male adults now here is about 40; [3] the abolition of "picture marriages" will make it more difficult for Japanese to marry; [4] the arrivals of Japanese will decrease as the result of present diplomatic negotiations.

The Japanese have long since ceased to compete with American labor, but this initiative, if passed, will drive them from the land and compel them to compete with American labor in the cities, seriously cutting food production.

Labor's interest in this question is defined in the following recommendations by the Stockton Labor Council and Building Trades Council, and the Sacramento Federated Trades Council: "[1] absolute restriction of all alien immigration; [2] no fight to be made upon any person or persons who are legal residents of the United States; [3] organize all workers who are capable of taking a union man's job; [4] we do not favor the removal of the Oriental from land to the industries."

According to the 1920 census, population of our cities in the last decade increased 25.2 per cent, while the population of farm territories increased only 3.2 per cent.

Yet this Alien Land Law seeks to drive the natural farmers from the soil, condemn into idleness 400,000 acres of land now highly productive, and decrease California's annual food production by \$67,000,000.

The Japanese is not the kind of an immigrant who comes here intending to "make a stake" and return to his own country. He is here to take his part in the economic life of the State, honorably and industriously, paying taxes, and helping to support our social institutions, our roads, our schools and local governments.

Our sense of decency and fairness enjoins us to deal justly with these Japanese, insisting, at the same time, through the Federal Government, upon the prevention of further influx of Oriental immigration.

Vote NO on Initiative No. 1 on November 2.

An Argument Against the Alien Land Initiative Law

By JOHN P. IRISH

(The following argument was prepared at the request of the Lieutenant Governor of California and was printed in the official pamphlet of instruction to voters. The Argument for the same law was prepared by Mr. V. S. McClatchy, also at the Lieutenant Governor's request.)

This initiative raises questions of cold law, to which I invite the very thoughtful attention of the voters.

Our treaty with Japan provides that the Japanese here "may own or hire and occupy houses, manufactories, warehouses, shops and premises, and lease land for residential and commercial purposes." In its economic definition commerce consists of Production, Transmutation and Exchange. Production is the ranking element, because without it there can be no commerce. The treaty protects the right of Japanese to hire or own manufactories, for transmutation, warehouses, necessary to exchange, and to lease land for commercial purposes. Land employed in agricultural production is employed in a commercial purpose. The treaty is intended, then, to give the Japanese privilege to enter upon complete commerce, and therefore protects their right to lease land for production. Any other interpretation twists the plain language of the treaty into vain repetition. Considered in the light of the Fourteenth Amendment to the Constitution of the United States, which says: "No State shall deny to any person within its jurisdiction the equal protection of the law," we find the initiative in conflict with our own Constitution, since it proposes a discriminatory classification of aliens, conferring upon one class the protection of the law which it denies to another class.

This discrimination applies also to the leasing of land denied to Japanese and permitted to other aliens. It also applies to the feature of the initiative which subjects Japanese minors who own land to the guardianship of the Public Administrator, but exempts other alien minors who own land from such guardianship.

These proposed discriminations against classes of aliens were adopted by the people of another State by the initiative and were voided by the U. S. Supreme Court as unconstitutional. That court held that "equal protection of the laws is applicable to all persons, without regard to any differences of race, color, or nationality," and that discrimination under the pretense of "promoting the health, safety, morals and welfare" is unconstitutional, and denies "the very essence of personal freedom and opportunity it was the purpose of the amendment to secure." And "if such freedom could be refused upon the ground of race or nationality, the prohibition of the denial to any person of the equal protection of the laws would be a barren form of words."

In the foregoing I have stripped the initiative of its cryptic and involved language and technicalities, so that it is naked in its two purposes: first, to forbid the leasing of land to Japanese and Chinese; and second, to take land-owning minors of those races from the natural guardianship of the parents and commit them to the control of the Public Administrator. All the other confusing propositions of the initiative respecting holdings in corporations, etc., are subordinate to these two. Landowners are warned that if the State can forbid them to lease to a certain class, it can also compel them to lease to a certain other class. They must resist this invasion of liberty.

Memorial to Congress

By American Committee of Justice

DECEMBER 10, 1920.

*To the Senate and House of Representatives
of the United States, in Congress assembled:*

The undersigned citizens of California, the members of The American Committee of Justice, beg respectfully to present the following facts regarding the Japanese and their persecution in California.

The Federal census of 1920 shows 70,000 Japanese in California, being 2 per cent of the total population of the State.

The report of the California State Board of Control shows the Japanese farmers, by ownership and lease, cultivate one and six-tenths per cent of the farm land of the State. On this they produce 13 per cent of the field crops of the State, of a value in 1919 of \$67,000,000. The vital statistics of the State Board of Health show that in 1919 more white children were born in California than Japanese children for the entire ten years preceding.

The penological statistics of the State show so small a percentage of crime amongst the Japanese as to be a negligible feature.

The eleemosynary records show no Japanese in the almshouses.

The facts of daily observation by those in nearest contact with the Japanese disclose their extreme personal cleanliness, good standard of living in diet and dress, high sexual morality, personal honesty, fidelity to contracts, and high percentage of education, and intelligence.

The record shows them greatly patriotic during the world war, the buyers of millions of our war bonds and contributors of tens of thousands to the Red Cross. Their contributions per capita to these patriotic war purposes were far in excess of those made by any other class of aliens.

The prejudice against them exists amongst people who have had no experience with them, and are readily deceived by the rampant slanders of agitators. In our population of 3,426,861, you will readily understand that all cannot have had contact and experience with our 2 per cent of Japanese. The 222,086 Californians who voted against the anti-Japanese initiative were citizens who knew the Japanese. Those who supported and carried that measure were mostly citizens who knew the Japanese only by hearsay, and that mostly slander and falsehood.

Since the election the truth is getting a better chance. During the campaign the San Francisco *Chronicle* reeked with slander of the Japanese and shared this course with the press of the State. But now that votes are no longer needed, the *Chronicle*, in its issue of November 17th, in an editorial under the caption "Our Immigration Problem," said:

"The East concerns itself very little about Oriental immigration, because it does not see it and because the number of such immigrants is absolutely negligible as compared with those who are seeking to crowd in from Southern Europe and Western Asia and perhaps Northern Africa.

"And there could be a good argument made to the effect that the Japanese, for example, with all their unassimilability, are far less dangerous immigrants than those of the mongrel races who inhabit the Mediterranean littoral. The Japanese among us are law abiding, industrious—too industrious some think—do not intrude them-

selves into our affairs but adapt themselves to our conditions. The mongrels of the Near East have been revolutionists from the dawn of history, have always been fighting each other, and make trouble wherever they go, and yet they are eligible to citizenship."

This is in itself an admission of the falsity of the campaign issue made against the Japanese.

As citizens of California, we protest against any unfriendly legislation against Japan or the Japanese who are domiciled here. The pretense that 98 per cent of the population of this State is in imminent danger from our 2 per cent of Japanese is disgraceful to the manhood of our people. If it were true, then it certifies such decay of the white race as foreshadows its speedy extinction, regardless of the presence of, or contact with, any other race. Of course, such pretense is fantastic, and when it threatens the peace of nations it is criminal.

Representing the 222,086 voters of California who cast their ballots against the anti-Japanese initiative, we have the honor to suggest to the Congress that the power and peace, the dignity and honor of this Republic require that we no longer violate treaties with nations that are too weak to resist, and that in our legislation we treat all nations and people alike, afraid of none, but just to all.

AMERICAN COMMITTEE OF JUSTICE.

(Signed by all members.)

APPENDIX I

Amendment No. 1

(A statement published in Palo Alto newspapers by President Wilbur and a number of professors of Leland Stanford University.)

The undersigned, members of the faculty of Stanford University, earnestly request their fellow citizens of the Palo Alto and Stanford communities to vote against Initiative Act No. 1 (Alien Land Law) at the election on Tuesday.

This measure is designed to prohibit the leasing of land by aliens ineligible to citizenship, to prevent such aliens from holding shares in any corporation owning agricultural land, and to prevent the native-born children of such aliens from having land held for them by their parents.

The reason most commonly advanced for such a law is to "keep California white." As a matter of fact, it will not have the slightest effect upon such a desirable end. The control of immigration is vested in the United States Government. The States have no voice in the matter. The proposed law, instead of furthering the execution of our national policy, which is opposed to the unrestricted immigration of people from Asia, will only weaken the efforts of our National Government to bring it about. For when Washington tries, by treaty, to secure restrictions, the Asiatic states will, very properly, insist that first of all the discriminations which have been raised against their lawful residents in this country be removed.

The proposed measure also is contrary to the whole spirit of our institutions. Everyone must recognize that the Nation has the right to scrutinize carefully every alien whom it admits to its shores. But once admitted, the Nation must see to it that all aliens are treated with absolute fairness and impartiality. We must not raise up racial discriminations among the people who are lawfully resident among us. For this reason, the proposed measure is objectionable in principle. And because it needlessly complicates the relations between our National Government and the great states across the Pacific, the people of California owe it to the people of our Nation as a whole to do nothing which will hamper the Federal Government in carrying out the national policy, which is one of strict regulation of immigration from the Orient.

Ray Lyman Wilbur
E. D. Adams
W. H. Carruth
M. S. Wildman
C. A. Huston
M. R. Kirkwood
Raymond M. Alden
Payson J. Treat
Everett W. Smith

John S. P. Tatlock
John M. Stillman
Edwin A. Cottrell
F. M. Russell
H. D. Gray
P. A. Martin
O. L. Elliott
Douglas H. Campbell
David Starr Jordan

APPENDIX II

Our Position

(The following statement was advertised in the leading newspapers in California on October 28 and 30.)

In view of the fact that the presence of large numbers of Orientals in certain parts of our country has given rise to serious problems, we believe that further immigration from that source would surely endanger the good relations existing between the United States and our Oriental neighbors. It is evident to all that the time has come when a satisfactory control of immigration must be sought.

The governments of the United States and Japan are now seriously seeking a final settlement of all problems arising out of the immigration situation. This fact is exceedingly encouraging and gives promise of bringing to a peaceful end a vexatious and delicate international matter. If it is left in the hands of diplomacy there is every reason to believe that all dangers of misunderstanding will be avoided and a mutually agreeable settlement reached speedily.

The so-called Japanese problem can not be settled by the action of one or several States, as it is essentially a matter of immigration. The experience of the last few years fully bears this out. Therefore, any such action by California at the present time will surely result only in further complicating the situation, confusing the issue, and making Federal action more difficult.

We, therefore, strongly advise voters to leave the question wholly in the hands of the Federal Government, at least until every opportunity has been given to reach a conclusion.

Vote NO on Initiative Measure No. 1.

Wallace M. Alexander, Alexander & Baldwin, Ltd., San Francisco

Rolla V. Watt, Royal Insurance Co., San Francisco

Geo. I. Cochran, President Pacific Mutual Life Insurance Co., Los Angeles

Lee A. Phillips, V. P. Pacific Mutual Life Insurance Co., Los Angeles

Frank Miller, Mission Inn, Riverside

Rev. H. B. Johnson, D. D., Berkeley

Dr. Arthur H. Briggs, San Francisco

Rev. J. L. Gordon, D. D., First Congregational Church, San Francisco

Rev. Elbert R. Dille, D. D., Oakland

J. A. McGregor, Formerly with U. S. Shipping Board

Milton H. Esberg, M. A. Gunst Co., San Francisco

Dr. Benjamin Ide Wheeler, President Emeritus University of California

Dr. Harvey H. Guy, Berkeley

Fred D. Parr, Parr Terminal Co., Oakland

Capt. Robert Dollar, Robert Dollar S. S. Co., San Francisco

APPENDIX III

Fair Treatment

(An advertisement published in Stockton newspapers shortly before the election.)

We, the undersigned Stocktonians, are NOT in favor of the Initiative Measure No. 1, on the following grounds:

1. BECAUSE, it will serve no purpose except inflame public sentiment in Japan against the United States and make it harder for the State Department to make an amicable adjustment of the present difficulties.
2. BECAUSE, it denies to the Japanese certain human rights involving our honor and our traditions of fair play. This proposed law denies to Japanese children born on American soil the right to have their own parents as guardians, and provides that the child may be removed from the guardianship of the parent to the guardianship of the Public Administrator.
3. BECAUSE, it is contrary to the spirit and letter of the Constitution of the United States. What California wants is not a policy of legal persecution directed against Japanese who are already here, but a constructive immigration policy calculated to safeguard the State against further influx of Oriental labor. The proposed Initiative Law offers no such solution.

W. J. Armanino, Real Estate, Triolo, Caletini & Co.
 J. A. Baumel, Bookkeeper, Commission Merchant
 D. W. Braddock, Real Estate
 California Delta Farms Company, by George Burton
 Henry Colberg
 Wm. Colberg, President Colberg Motor Boats
 T. E. Connolly, Banker
 Carson C. Cook, Rindge Land & Navigation Co.
 Francis Cutting
 Lewis H. Delpy
 E. C. Dickinson, Dickinson-Nelson Company
 R. M. Dixon, Commission Merchant
 Rev. F. L. Donohoo
 J. T. Fletcher, Empire Barge Company
 John W. Galway, Grain Company
 Frank A. Guernsey, Banker
 Rev. Harley H. Gill
 Rev. R. W. Harlow
 Edward Harris, Banker
 Jas. Higgins, Commission Merchant
 L. L. Higgins, Commission Merchant
 Frank W. Hill
 Sol D. Klein, Commission Merchant
 George W. Leistner
 E. Lewis, Commission Merchant
 Rev. Angus Matheson
 Laurence E. Moore, Manager Colberg Motor Boats
 John Nichols, President Nichols Transportation Company
 H. F. W. Puchmuller
 John Raggio, Banker
 W. C. Ramsey, Real Estate

J. W. Schuler, Guernsey Grain Company
F. C. Sloan, Seed Grower
Lafayette Smallpage, Attorney
T. R. Stribley, Blacksmith
R. B. Teefy, Banker
B. Walters, Manager Island Transportation Co.
A. J. Wheeler, Wheeler Transportation Company
E. L. Wilhoit, Banker
Dr. I. S. Zeimer
Dr. Robert R. Hammond
Dr. R. T. McGurk
Dr. B. F. Walker
Dr. Hudson Smythe
Dr. E. L. Blackmun
J. E. Funk
D. C. Stowe

APPENDIX IV

How We Faced the Crisis

*(From the "New World," San Francisco, a Japanese daily,
for November 10.)*

As we ponder over returns on the vote on the Alien Land Initiative Measure, we are overwhelmed with a sense of gratitude for the friendly and sympathetic efforts which have been made for the cause of justice by many influential Americans.

These Americans, with no solicitation from any Japanese, have exercised their influence against the adoption of the proposed measure. It is indeed a remarkable thing that so many Americans should, unsolicited and unrequested, come to the assistance of the Japanese. Undoubtedly they did this not so much for us as for the cause which they had sincerely at heart. Without doubt they saw in the proposed measure grave injustice and inequity which would stain the honor and dignity of the American Nation.

Nevertheless, we have every reason to be thankful for their friendly efforts. These broad-minded, sympathetic, honorable Americans are legion, and it is impossible to mention their names here.

It is very significant that the votes cast against the Alien Land Measure were more than one-third of the total ballots cast on the election day. Although election returns are not yet complete, we see that 230,000 voters voted against the proposition and in favor of the Japanese. Those who voted for the measure number 608,000.

When California submitted the Chinese question to the vote of the people in 1880, only 880 ballots were cast in favor of the Chinese. The ballots cast against them were 161,400. When we compare these figures with the figures for the Alien Land Initiative Measure that was voted on last Tuesday, we have every reason to be thankful to the fairness of the voters of California.

This is all the more remarkable when we consider that, during the past two years, a formidable organized campaign has been carried on by the forces opposing the Japanese, as well as by practically all the newspapers in the

State. The Japanese were not given hearing at all in the columns of any newspaper. Publicity was completely denied them. Meanwhile meetings and conferences have been held in different parts of the State for the purposes of advancing the anti-Japanese movement.

Against this formidable campaign we made no attempt to counteract its effects. We were powerless in the face of that campaign. We had no organization to assist us. It was only during the few weeks before the election that the Japanese Association sent out a few documents, presenting authentic facts on the question, and that a number of sympathetic Americans began to realize the seriousness of the situation, and, with no solicitation from us, came to our rescue. When we consider that in the past two years the other side entirely monopolized the public ear, we have every reason to be thankful that the result of the vote proved conclusively that the sentiment in California on this question is far from entirely against the Japanese. We are convinced that the people of California are fair-minded and mean to be just.

During the week preceding the election, it was an agreeable surprise to us to see in the newspapers advertisements signed by many prominent Americans, presenting strong arguments against the Alien Land Initiative Measure. To these Americans, who had not only the courage of their convictions, but also the kindness to make considerable sacrifice in order to place those arguments in the newspapers, we owe a great debt of gratitude. In one of these advertisements we notice the following expression:

"This Initiative is an affront to the American tradition of honor and fair play. Our innate sense of justice revolts against it. It should be defeated because it insults the American people, rather than because it works hardship for the Japanese."

It is also pleasant to recall that the President and a number of professors of Stanford University published a statement against the measure. In that statement we see the following utterance:

"The proposed measure is contrary to the whole spirit of our institutions. Everyone must recognize that the Nation has the right to scrutinize carefully every alien whom it admits to its shores. But once admitted, the Nation should see to it that all aliens are treated with absolute fairness and impartiality."

When we read such dignified statements as these, we are convinced that the American tradition of fair play and justice is still a vital force in American life. Our respect and love of Americanism and American institutions have been greatly deepened and strengthened by the experiences we have passed through in the strenuous weeks preceding the election. For this we have every reason to be thankful to the American people.

At the same time, we feel justified in saying that the Japanese Association and individual Japanese have all along maintained a dignified attitude towards Senator Phelan and other gentlemen who have been advancing the anti-Japanese movement. We have examined every document that has been sent out by the Japanese Association, and we have never come across any remark or criticism about the gentlemen who have been attacking us. We are proud that we have passed through the strenuous weeks with remarkable self-restraint and dignity, and we hope and trust that the Japanese in California, whatever the other side may do, will not lose their mental poise and their dignity of attitude. We have no malice towards anybody, and we face the future with the spirit of tolerance and gratefulness with which we have maintained our position in the past.

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H. E. H.
ESPL

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Guarding the Immigration Gates

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What Has Been Done
What is Still to be Done

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Address delivered at
State Convention, American Legion
Catalina, California
September 15, 1925

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By
V. S. McClatchy

Published by
**CALIFORNIA JOINT
IMMIGRATION COMMITTEE**
910 Humboldt Bank Bldg.
San Francisco

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FOREWORD

The address which follows was delivered at the Annual Convention of the American Legion, Department of California, at Catalina Island, Calif., Sept. 15, 1925, by V. S. McClatchy, Secretary and Executive Officer of the California Joint Immigration Committee, which committee represents in immigration matters the California state organizations of the American Legion, the American Federation of Labor, the Grange, and the Native Sons of the Golden West. The Committee includes James K. Fisk, Department Adjutant, American Legion (Chairman); Paul Scharrenberg, Secy.-Treas., State Federation of Labor; George R. Harrison, Master, State Grange; Edward J. Lynch, Past Grand President, Native Sons of the Golden West; Hon. U. S. Webb, State Attorney General; Hon. J. D. Phelan (Treasurer); and V. S. McClatchy (Secretary).

The convention, prior to its adjournment, adopted resolutions (1) strongly opposing any modification of the exclusion provision of the Immigration Act, either by placing Japan on a quota basis, or otherwise; and (2) urging that effective measures be adopted to prevent the smuggling across the border of aliens in violation of the immigration law, and recommending complete registration of all aliens in the country as the most effective method of combating the evil.

Guarding the Immigration Gates

By

V. S. McCLATCHY

Secretary

California Joint Immigration Committee

Peace has its achievements, no less important in world progress than the victories of war. History will never tire of telling what the American Legion did to make the world safe for democracy; but history too will have much to say of the things the Legion did since the war, and is still doing, without self-glorification, for the welfare of the nation. When that story is written by those sufficiently removed in time and sentiment and relation to have an unprejudiced perspective, there will stand forth the work done by the Legion to maintain the standards of American citizenship, upon which depend the future life of the nation, and to save state and nation for the white race.

We are living now the opening chapters of that story. It is well that every Legionnaire should be familiar with them and understand the present emergency that he may be the better prepared to do his share, for the end is not yet. There are battles yet to be fought and won. There are those who would open the immigration gates to insidious foes whose peaceful penetration would be more dangerous to the nation than the invasion of a hostile army. Thousands of such foes are now being surreptitiously bootlegged across the border every month and are practically safe from apprehension and deportation in absence of some method of registration.

A MENACE TO THE NATION

For a quarter century and more a dangerous condition has been developing in the American nation, threatening its perpetuity. Before the war we were too busy making money to note the situation; during the war all our energies were concentrated on winning; but after the war, when we commenced to take stock, the realization of the facts dawned on us and urged us to apply a remedy.

Tests made in connection with the draft during

the war period showed that the physical and mental standard of the average American citizen had very much lowered; that a not inconsiderable portion of the population was composed of individuals little better than morons; that an astonishingly high percentage had an average intelligence not superior to that of a child of 11 years of age. In looking about for the cause of this alarming situation, it was found that the type of immigrants admitted during the last quarter century was generally much less desirable for American citizenship than that which had come previously; that millions of these later immigrants had not only not been assimilated, but that great masses of them were apparently unassimilable, for some generations at least; that many who had been accepted as citizens were not only improperly equipped for citizenship, but had sought the privilege only for the advantages conferred, and with neither desire nor intent to fulfill the obligations thereof in time of stress.

Historic towns of New England, now industrial centers, have populations more than half foreign, knowing no English and caring nothing for American ideals. In the great cities of New York and Chicago are foreign communities numbering hundreds of thousands. The mere presence in the country of great numbers of those who are foreign, if not inimical, to American ideals and institutions constitutes a grave danger because of their possible influence on thought and action of growing Americans. Not only had the "melting pot" failed to function properly in that we had digested much of the material accepted for residence and citizenship, but the future looked dark because the birth rate among these new immigrants of lower standards of living is high, while that among the old established assimilated stock steadily decreases to the vanishing point. Like begets like; and mental, physical and moral efficiency are not bred by parents lacking those qualities. In a democracy where the majority rules the steady proportional increase of mental and physical defectives must lead inevitably in time to the decline and death of the nation.

Through our open gates for some years before the war had come in each year as many as a million and a quarter immigrants, most of them of

an undesirable character; and the reports from Consular representatives throughout Europe immediately following the war, indicated that if the gates were again opened we would be flooded each year by not less than 1,500,000 to 2,000,000 even less desirable immigrants, the culls and wastes of the great war.

The American Legion fought determinedly against opening the gates under these conditions, and insisted that all immigration should be excluded for five or ten years, until we could devise means for assimilating what we had already admitted, and could formulate selective plans under which there would be admitted hereafter only such elements as would maintain American standards. The American Federation of Labor was equally insistent that severe restrictive measures should be enforced. The House Immigration Committee of Congress made exhaustive investigation of the subject; and, as public opinion was gradually educated, a preliminary restrictive immigration bill was passed in 1920, and renewed in 1922, and a comprehensive plan, based on "national origin," adopted in the Immigration Act of 1924, contemplating a quota immigration each year of 150,000.

ALIENS INELIGIBLE TO CITIZENSHIP

The threatened danger against which the national origin plan of restriction safeguarded, came from Europe. This nation, with its attention focused on that danger, was better prepared to listen to the reiterated warning from California as to a still greater danger threatened from Asia. That problem was before the House Immigration Committee in 1919, when Dr. Sidney Gulick, on behalf of various church and other organizations, presented a bill containing the "grandfather clause," which would have admitted all blood relatives of every Asiatic who had found entrance into this country, with the entire families of such relatives. Under that provision the Japanese, in whose interests Dr. Gulick spoke, could have entered the country to the number of hundreds of thousands as rapidly as transportation could be provided.

Statements made on behalf of California at that time induced the Congressional Committee to come to the Pacific Coast in 1920 and hold hearings at

various points from San Diego to Seattle, and to continue thereafter the investigation thus commenced. The American Legion in 1921, in national convention, appointed a National Oriental Committee, with Thomas Swale of the State of Washington as Chairman, to investigate and report on this subject. The committee made exhaustive reports in 1922 and 1923, a briefer one in 1924, and is now preparing a comprehensive report for the 1925 convention. As a result of the first report the national convention of the Legion in 1922 passed unanimously strong resolutions demanding the exclusion of all aliens ineligible to citizenship. It reiterated those demands in subsequent conventions, and its activities have been directed towards accomplishing that purpose since. The California State Legislature had previously taken similar action. The American Federation of Labor, in national convention, made the same demand; and the Native Sons of the Golden West had worked along those lines for some time. These activities induced the insertion of a measure excluding ineligible aliens in the restrictive immigration bill presented to Congress in 1922. That bill was not passed, however, the old act being renewed for 2 years; but in 1924 the exclusion measure came up again, and, after a protracted battle, was passed and became a part of the new Immigration Act.

We shall consider first the nature and extent of the danger which induced Congress, notwithstanding great opposition, to pass this exclusion measure; then outline the steps taken by the Legion and other agencies acting with it, which forced the matter upon the attention of Congress; and finally present a picture of the present situation which threatens reopening of the whole question and calls for aggressive defensive tactics.

NATURALIZATION AND EXCLUSION

In 1790, United States, by a Federal act, denied the privilege of naturalization to all except individuals of the white race. After our Civil War, that law was amended so as to admit blacks to that privilege, in the hope of solving the problem created by slavery; but in other respects the law has remained unchanged, and today, as

135 years ago, aliens of the yellow and brown races are debarred from citizenship.

In conformity with the spirit of that law the United States government has promptly adopted measures excluding as immigrants any element of the yellow or brown races when that element assumed dangerous proportions in immigration. The Chinese were excluded by Act of 1882, renewed each ten years thereafter. Japanese immigration having assumed undesirable proportions, an exclusion measure was adopted against them in 1907, but in deference to their wishes it took the form of a "Gentlemen's Agreement" instead of an exclusion act and Japan was to secure, through operation of her passport system, results as to Japanese immigration similar to those secured with regard to Chinese by the Exclusion Act. When, in 1917, Hindus commenced to come in numbers, Congress passed what is known as the "Barred Zone Act", excluding the remaining races of Asia, ineligible to citizenship under our law, including the inhabitants of India and other countries.

Why were the yellow and brown races of Asia, which include half the population of the globe, made ineligible for naturalization and excluded as immigrants? Not because we assume any racial superiority for the white race. China has a civilization which antedates that of Europe by centuries; and Japan has accomplished in 60 years by raising herself from a feudal condition to the modern plane of western political and industrial civilization what it took the white race four or five hundred years to do. The action as to the yellow and brown races was defensive purely: first in protection of our own people individually because of the lower standards of living of those races and our inability to meet them in economic competition. Second, because those races are so radically different from the white race in heredity, tradition, psychology, religion, ideals and everything that fixes racial identity that assimilation, in the sense of amalgamation or absorption, is not possible, or if possible, would be disastrous; and because to have either the yellow or brown race living side by side with whites in established communities, with equal rights, either here or in Asia,

would be certain to breed racial trouble and international misunderstanding.

And of all the Asiatic races ineligible to citizenship under our law, the Japanese prove most dangerous when admitted, because, in addition to their advantages in economic competition, and our inability to assimilate them, characteristics which they share with other Asiatics, they are superior to the other Asiatic races in ambition, aggressiveness, co-operation, pride of race and determination to establish themselves as Japanese wherever they colonize, with a sensitive and powerful nation behind them.

The measures referred to, adopted by the United States for excluding the yellow and brown races, were effective as to all except the Japanese, primarily because we enforced the regulations as to other races but permitted Japan to carry out the understanding as to her nationals. The Chinese have decreased in number more than fifty per cent since the exclusion act was passed. No more Hindus come. The Japanese, however, have multiplied. In consequence the Oriental Committee of the American Legion, in its first report said that "the only remaining Oriental question is the Japanese question." In public debate and in Congressional consideration this question has been referred to constantly as the Japanese question, because it is the Japanese and their advocates alone, who have protested and fought against the passage of the general law excluding aliens ineligible to citizenship, insisting on an exceptional discrimination in favor of the Japanese.

RESULTS OF JAPANESE IMMIGRATION

Let us see now how serious the Japanese immigration question had become. In 1875 there were no Japanese in this country. There are now 300,000 of them, 125,000 in Hawaii and 175,000 in continental United States. California alone contains about 120,000. They are increasing by birth alone at the rate of over 12,000 per year.

There are more Japanese in United States than there are in all the other countries of the world combined, outside of the Empire of Japan.

Of all the English-speaking countries United States alone has permitted the Japanese, an alien,

unassimilable race, with dangerous advantages in economic competition, to secure such a foothold in its territory. South Africa, Australia, and New Zealand—dominions of Great Britain which had a close treaty with Japan—excluded Japanese from the first; and Canada, which failed to exclude when the opportunity offered and afterwards was compelled to enter into a Gentlemen's Agreement, has found that Agreement so unsatisfactory, even after amendment, that British Columbia, now the Province most affected, is demanding absolute exclusion.

The Territory of Hawaii, our outpost on the Pacific, is practically, a Japanese colony. Japanese now constitute almost half the population, the combined white races constituting less than one-fifth. More than half the school children are Japanese and, according to two authorities, one a representative of the American Museum of History, who made investigations for over a year in Hawaii, the other, Prof. Harada, a Japanese Professor in the University of Hawaii, the number of Hawaiian-born Japanese entitled to vote will constitute a majority of the electorate of the territory by 1940.

In California before passage of the alien land law in 1913, the Japanese had acquired over 75,000 acres of rich land, and that quantity is being steadily increased by purchase on behalf of California-born Japanese. In 1920, according to the report of the State Board of Control, the Japanese had acquired control, through purchase or lease, of one-eighth of the irrigated lands of the state, in consequence of which the state alien land law was strengthened. In certain districts and communities they have secured control of various industries and occupations. A report of Dr. J. L. Pomeroy, health officer of the County of Los Angeles, a few years ago, showed that in certain districts the Japanese births exceed the white births. The license collector of the City of Los Angeles reported a few years ago that there were then in the city over 4,000 separate businesses conducted by Japanese. Of this number more than 1,100 were vegetable and fruit stores and 500 were grocery stores, each one of which probably displaced a white citizen and a white family.

In the State of Washington the City of Seattle

finds that half of her hotels are owned by Japanese. In the rich Yakima Valley the Japanese had secured by lease from Indians on the reservation, control of a large part of the valley, and it was only after protest by the American Legion that a stop was put to this under orders issued by Secretary Fall of the Interior Department. Colonization efforts of more or less magnitude have been inaugurated by the Japanese in other states.

FAILURE OF GENTLEMEN'S AGREEMENT

Why and how were these conditions brought about? The result is due to the failure of the Gentlemen's Agreement to accomplish its agreed purpose. In 1907, when it was adopted, there were but 55,000 Japanese in continental United States. If the Agreement had operated as did the Chinese Exclusion Act, as was intended, the number would have steadily decreased. It multiplied threefold instead, because the Japanese introduced relatives and women for wives, which were not permitted to the Chinese; and our government weakly acquiesced in these violations of the intent of the Agreement.

The results of the Agreement in operation are aptly illustrated by the following official figures from the Immigration Department. For the year ending June 30, 1924, the last year under operation of the Gentlemen's Agreement, 8,481 Japanese of the "immigrant" class were admitted to the United States, nearly all of whom came for permanent residence. During the six months following, the first six months under our exclusion law, there were admitted 453 Japanese. None of these, however, came for permanent settlement. They were all students, tourists, diplomats, mercants, etc., admitted for temporary sojourn only, the department's "immigrant" classification including all those who come for more than a year's stay regardless of the purpose for which they come and whether for permanent or temporary sojourn.

There is dispute as to the provisions and intent of the Gentlemen's Agreement. Bear in mind that it is not a document, but consists only of a series of notes and correspondence between departments of the two nations; and that it has never been made public, and has not even been seen by the

Immigration Committees of Congress when called on to frame new immigration laws, or by the Department of Labor when called on to make regulations governing Japanese immigration.

The best authority which we have, and no better authority need be offered, for the conditions of the Gentlemen's Agreement, is ex-President Theodore Roosevelt, who made it. He has made plain in a number of documents which have been given to the public, that it was made for a similar purpose as the Chinese Exclusion Act; that is to say to prevent an increase of Japanese population in Continental United States on the theory that the two races are unassimilable, and that any large settlement of Japanese in this country, with their advantage in economic competition, would be certain to provoke racial strife and international trouble.

The Agreement failed, therefore, almost from inception, to accomplish its declared purpose, and should have been set aside many years ago when California first called attention to the fact. Aside from that, however, it should never have been made because it surrendered to a foreign nation our sovereignty, permitting that nation to regulate immigration of its nationals into our country; it violated the Congressional prerogative for regulation of immigration, for during the present century immigration from every other country except Japan has been regulated under the Constitution by general or special act of Congress; and it sacrificed the Territory of Hawaii, for while assuming to protect continental United States it gave Japan a free hand in colonizing our Pacific outpost. President Roosevelt thought he had sufficiently safeguarded the continent when he provided that should the Agreement fail of its declared purpose, then an exclusion act would be passed against Japan. In 1909 he thought it was operating successfully, for he called attention of the California Legislature to the fact that during the first six months of the Agreement's operation Japanese population in United States had decreased 2,000.

WHY CONGRESS APPROVED EXCLUSION

Congress, in putting an end to the Agreement and stopping Japanese immigration, did so by passing a general law carrying out the established policy of the nation excluding all aliens ineligible for citizenship. The law was not discriminatory, for it applies equally to half the population of the globe. If the new policy of restrictive immigration in protection of our standards of citizenship is to be carried out what more logical than to exclude first such elements as under our laws may not become citizens and are therefore hopelessly unassimilable. Congress did not seriously consider passage of an exclusion act against Japan because that would have been on its face an act of discrimination, seriously hurtful to Japan's pride, though Japan had herself agreed to such procedure should the Agreement fail in operation.

To the statement of friends of Japan that some other method could have been adopted to accomplish the purpose intended without hurting Japan's feelings, there is conclusive answer in the fact that through Japan and her friends there were three plans only suggested to Congress, to-wit: A modified Agreement, or a new Agreement; a treaty; and quota for Japan. Each one of these plans in turn was given careful and exhaustive consideration by Congress and each was rejected for excellent reason in that it either surrendered the sovereignty of this nation, or it invaded a prerogative of Congress, or it discriminated in favor of Japan against all other Asiatic nations whose nationals are ineligible to American citizenship and violated thereby an established national policy.

Congress, in adopting this measure excluding aliens ineligible to citizenship, did an extraordinary thing which had never before been done by it, for it passed the measure by practically unanimous vote in the face of the most determined and widespread opposition. The Secretary of State opposed it; the President threatened to veto it if passed; the organized churches throughout the country, the missionary element and the peace societies fought it; commercial organizations, fearful of injury to trade, protested violently; most of the leading newspapers throughout the Eastern

states editorially denounced it and insisted that California was provoking war with Japan because of her narrow and prejudiced views.

Why did Congress pass the exclusion measure under such conditions? Because during its three months' investigation, supplimented by long previous study, an exhaustive presentation of the facts satisfied it that only in this way could the rights and welfare of the nation be protected; and that intelligent and loyal Americans, when they learned the facts, would fully approve the action taken.

There has been considered thus far the danger to the nation in Japanese immigration under operation of the Gentlemen's Agreement and the remedy applied by Congress. Now we consider the part played by the American Legion and organizations co-operating with it in securing that action by Congress.

FORMATION OF JOINT COMMITTEE

The National Oriental Committee of the American Legion, in its first report in 1922, declared that the Legion had passed resolutions enough, but had not taken enough action in support of its expressions of policy on the Japanese question. In California, where the danger had assumed most serious form and where various organizations had taken decided stand in regard thereto, a similar viewpoint developed. It was apparent that the organized propaganda in favor of the Japanese directed by church and other activities could not be successfully combated by resolutions alone. State bodies of the American Legion, Federation of Labor, Grange and Native Sons of the Golden West, all earnestly arrayed against Japanese immigration, found that their executives were too busy in attending to routine duties, to give time to action on the Japanese situation. Even the various exclusion leagues were not organized on such lines as would enable them to make effective showing against the well managed and amply financed drive in favor of the Japanese.

So was evolved the idea of the four state organizations named to handle the immigration problem through an authorized and representative committee with an executive force and permanent office. Such a committee was organized and in time

adopted the title of the "California Joint Immigration Committee." It is composed of seven members including the executive officer of each of the four state organizations, with the Department Adjutant of the American Legion as Chairman.

The committee fulfills three clearly defined purposes: (1) to keep advised as to propaganda and efforts directed against the national policy of restrictive immigration, and particularly as applied to aliens ineligible to citizenship; (2) to be prepared with data and literature to meet argument and attack; (3) to actively oppose movements of the kind through distribution of literature and presentation of the facts by speakers. Through translators it keeps in touch with the expressed sentiments of the Japanese; it prepares and issues, as occasion demands, leaflets on each new phase of the situation; and it seeks through correspondence and otherwise, to correct misunderstandings as to the facts, and thus to remove cause for difference of opinion among Americans and restore better feeling on the part of the Japanese.

The publications of the committee are now recognized as furnishing accurate and up-to-date information on a subject of overshadowing national importance and interest, and are in demand accordingly for use by public officials, public libraries, newspaper offices, debate teams and the public generally.

It was due to the efforts of the California Joint Immigration Committee that the exclusion measure was retained in the immigration bill presented to Congress in 1924 in the face of demands for its withdrawal. Three members of the California Committee journeyed to Washington in March, 1924, to present the matter to the Senate Immigration Committee which had decided to drop the exclusion feature from the bill; and these members met, before the Senate Committee, the forces arrayed against exclusion, led by Dr. Sidney L. Gulick. It was undoubtedly the presentation of facts thus made that induced Congress to decide in opposition to the Administration view and to public clamor that the exclusion of aliens ineligible to citizenship should be a feature of the restrictive immigration act. For it is not generally known that a careful poll of Senate and House

showed a two-thirds majority for exclusion two days before appearance of the Hanihara letter. That letter is still supposed by many to have induced the action on exclusion. What it really did was to make practically unanimous an action which had already been decided on in effect by a working majority.

CORRECTING MISUNDERSTANDINGS

Enactment of the exclusion provision by Congress was followed by violent protest from Japan, by appeal on her part to the League of Nations, and to the Pope at Rome for interference on her behalf and by propaganda looking to an arousing of public sentiment in this country which would force Congress to repeal the measure, or at least modify it so far as it affects Japanese. That movement received encouragement and active assistance from church, and missionary, and peace, and women organizations throughout the United States, all encouraging Japan to continue her protest and to expect that the law would be repealed or amended.

In meeting this situation, the California Joint Committee proceeded on the theory that a proper understanding of the facts would influence these various organizations to cease their misdirected activities and that Japan herself would learn that she had been acting under misinformation and unwise counsel from her friends in this country. In this campaign the committee used very extensively, both here and in Japan, two leaflets, "Congress and Japan" and "California's Answer to Japan," which explain fully the reasons which actuated Congress and the facts which left it no alternative. These leaflets were published in English language newspapers of Tokyo, one in the "Japan Advertiser" and the other in the "Japan Times." They were also translated into Japanese, and published serially in the leading Japanese newspaper of San Francisco and in the similar newspaper in Los Angeles. Throughout the campaign the California committee acted in accord with the suggestion of President Coolidge when he said: "The incident is closed. We must seek by some means besides immigration to demonstrate the friendship and respect we feel for the Japanese nation."

The effect of this policy was notably excellent. Among the Japanese in this country and in Japan there grew up a sentiment, more or less widespread, that they had a misconception of the action and intent of Congress, and that the injury to their pride and prestige was more in that misunderstanding than in the situation itself. In California a number of organizations, representing church and international goodwill, and missionary, and Sunday School, and women activities, were persuaded by consideration of the facts that their advocacy of Japan's cause had been precipitate, perhaps, and not in accord with American interest; and gradually the fight in this state by those activities was abandoned.

A NEW CAMPAIGN FOR JAPAN

So we were approaching, apparently, under these conciliatory tactics, a better understanding with our Japanese friends, when there was launched, in March of this year, a nation-wide campaign to force Congress to reopen the question and to so amend the measure excluding aliens ineligible to citizenship as to except Japanese from the operation thereof, and grant them quota, similar to that given Europeans. New agitation was inaugurated in Japan, with the result that Japan was stirred to renewed efforts, and through various instrumentalities renewed her protest and demands. A questionnaire was widely distributed throughout Japan in July, 1925, under authority of American church organizations, asking specifically "Has not the Japanese exclusion law given rise to a decisive and permanent anti-American sentiment and the conviction that a Japan-American war is inevitable?" This is a "leading question," not only suggestive, but provocative of illwill. Another query was, "would not the former friendliness to America and Christianity be restored if the Japanese exclusion law were revised and Japan put on quota, like European nations"; certainly a direct invitation to Japan to continue and press her demand for quota.

As a partial effect of this campaign in Japan, apparently, Viscount Shimpei Goto of Tokyo, gave to the Tokyo correspondent of the *Vossische Zeitung* of Berlin an interview intended apparently

for German consumption, but which was afterwards translated and cabled to the United States and published here. The following sentence from that interview is indicative of the general trend thereof: "The right to colonize in California is a question of vital importance to Japan. We deny that America, a country built up by immigration, has a right to pass an immigration law." This, it may be assumed, is the general point of view of official Japan; and whenever and wherever opportunity offers with any prospect of success that point of view will be pressed. It was not because Japan had abandoned any hope of securing from the United States treatment for her nationals similar to that conceded Europeans that she ceased, prior to this new church campaign, the insistent pressing of her demands. It was because she had become convinced that to press such demands at this time would not only fail of success but would strengthen the present attitude of Congress, increase friction and make more difficult the securing of any concession in the future. The more thoughtful and better-informed Japanese of the non-official class, both here and in Japan, deprecate the present Gulick-Wickersham movement, believing that it will ultimately injure rather than benefit their cause. Nichi Bei, the Japanese newspaper of San Francisco has so expressed itself editorially.

HEADS OF THE MOVEMENT

This campaign, under leadership of Dr. Sidney L. Gulick and George W. Wickersham for reopening the exclusion law, is fathered by the Federal Council of Churches of Christ in America, a powerful organization including most of the Protestant denominations in United States, with its subsidiary organization, the Commission for International Justice and Goodwill, and two other organizations, the National Committee on American-Japanese Relations, and the League for Constructive Immigration Legislation, both of which were formed by Dr. Gulick for the purpose of aiding Japan in her immigration contention.

The following information as to the leaders of this movement is interesting. Dr. Gulick was born and reared and lived most of his life in the Orient. He was a professor in the Doshisha University of

Japan and had thoroughly absorbed the Japanese point of view. He came to the United States ten years ago on leave from that University, and has devoted his time since then in attempted conversion of the American nation to his so-called "new Oriental policy" which calls for granting to Asiatics, and particularly to Japanese, all the privileges and rights accorded to Europeans, including privileges as to immigration and citizenship. He early converted the leaders of the Federal Council of Churches of Christ to his point of view, and as leader of their Oriental Department has been in position to push that movement as an established church policy. He is Executive Secretary of each of the other three organizations named.

George W. Wickersham was once United States Attorney General. Afterwards he acted as paid counsel for the Japanese before the United States Supreme Court in various cases wherein they sought to have set aside state and federal laws so far as Japanese are affected thereby, notably in the matters of land holding and naturalization. In 1922, when the airplane fraud cases were before Congress for investigation under charges preferred by Congressman Woodruff of Michigan, a Legionnaire, Wickersham represented Mitsui & Co., the great banking firm of Japan, which was involved in such charges. It was shown that the two airplane companies, the Standard Aircraft Corporation and the Standard Aero Co., supposed to be American, were really owned and controlled by Mitsui & Co.; that frauds had been perpetrated by them on the government to the extent of some millions of dollars and that planes and blue prints had been taken and shipped to Japan. Abraham F. Myers was appointed to take charge of all wartime fraud cases and the investigation of the airplane cases was blocked and finally dropped. Congressman Woodruff charged on the floor of the House, April 22, 1924, that Myers had been appointed to his position through the influence of Wickersham and for the very purpose of stopping the investigation. Wickersham is now Chairman of the Commission for International Justice and Goodwill, and also of the National Committee for American-Japanese Relations.

It seems extraordinary that men with such rec-

ords should have been selected or permitted to lead a fight in the name of a great national church organization against Congress and in behalf of Japan for opening the immigration gates to one of the races ineligible to citizenship under our laws. But Americans, impressed with the necessity for safeguarding the standards of citizenship against assault, however insidious or indirect, must face conditions as they find them and adopt proper defensive measures.

CHURCH INTERFERENCE IN LEGISLATION

There is not found anywhere else in the world similar interference in immigration legislation in behalf of the Japanese by Protestant or other church organizations. It is not found in those dominions of Great Britain which have always rigidly excluded Japanese immigration. It is not found in Canada, where Japanese find entrance under a Gentlemen's Agreement, and where the western frontier province, British Columbia, is now playing a role similar to that played for years by California in pointing out the danger and demanding cancellation of the agreement and absolute exclusion.

Why this difference? Is the brand of brotherhood of man promulgated by the churchmen of Australia, New Zealand, South Africa and Canada less sincere or less practical than that offered by the churchmen of similar denominations in the United States? Certainly not!

Then it must be because we have here an element not found in the British Dominions—an advocate from Japan in guise of a missionary churchman who by clever use of propaganda has persuaded church leaders that Christian principles call for admission to the United States of unassimilable elements which church leaders in the British Dominions, in national interests, have assisted, either actively or passively in excluding.

In the American Federation of Labor, the Grange, and the American Legion, as also in the Native Sons of the Golden West, are many, many thousands who are practicing Christians and members of churches constituent bodies of the Federal Council of Churches of Christ in America. But notwithstanding that fact they stand solidly behind

their respective organizations in insisting that church policy or church plans shall not be permitted to dictate interference in national legislation in manifest detriment to national interest.

The California Joint Immigration Committee assumes that the great mass of members in the churches constituent bodies of the Federal Council is composed almost entirely of American citizens not less loyal than the church members in the four organizations represented by the Committee; and that if the churchmen now actively or passively espousing Japan's cause can be induced to carefully consider a fair statement of the facts as Congress saw them they will protest against further use of church name and influence in opposition to the act of Congress. The Committee's campaign against the Gulick-Wickersham movement is being conducted on that basis, and it is believed that churchmen of the Eastern States will not be less amenable to reason than have been the churchmen of California. The committee's pamphlet "America and Japan" answers the statement with which Messrs. Gulick and Wickersham opened the attack on the present law, and, taken in conjunction with the two publications of the committee previously mentioned and the facts which you have heard today, should satisfy any intelligent and unprejudiced churchman of the propriety of the stand taken by the American Legion and the organizations allied with it in this cause.

THE THREATENED DANGERS

The nation's present established policy of closely restricting immigration is threatened at this time by danger from two sources:

First, by possible amendments to the immigration act modifying the general restrictions, or removing them entirely so far as they apply to certain elements. In that category belongs the present movement to make exception for the Japanese from the provision excluding aliens ineligible to citizenship. And if the bars are let down anywhere, or to any degree, there will be insistent demand from many sources that they be let down still more. There should be a tightening and not a loosening of restrictions, regardless of the influences demanding concessions.

Second, by surreptitious entry from Canada, Mexico and Cuba. According to Secretary of Labor Davis many thousands are entering in this way each month. They are generally of the most undesirable character, paying heavy fee or bribe for assistance in breaking the law and entering secretly a country which does not want them. It is not feasible to defend thousands of miles of sea coast and border adequately against such surreptitious entry, nor is detection of violators after entry easy in the absence of a system of registration, as urged by Secretary Davis, or some similar plan. It is conceivable that under the present conditions the immigration act, so far as concerns restriction of undesirable immigration, might soon become a dead letter.

The situation is one which must cause great concern to the American Legion and to the other organizations affiliated with it in immigration restriction. We fought during the war to save the nation from the onward march of an enemy eager for world conquest; we labored after the war to close the gates to insidious foes whose peaceful penetration would prove more disastrous to American citizenship than would an invading army; and now we must carefully guard gates and border against assault or surreptitious entry. In that sacred duty every citizen can and should perform effective service.



PRICE LIST

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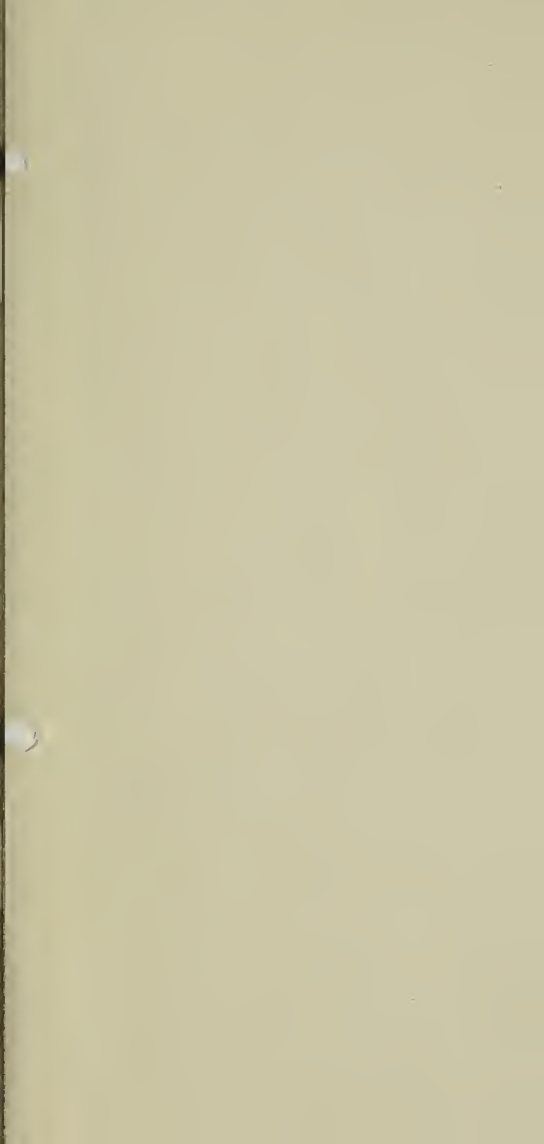
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National Americanism Commission

The American Legion

National Oriental Committee



The Oriental Question

Report Presented by the National
Oriental Committee to the
NATIONAL CONVENTION OF 1922
And Unanimously Adopted

Garland W. Powell, Director, 1923

CALIFORNIA STATE LIBRARY

RESOLUTIONS ADOPTED AT 1922 ANNUAL CONVENTION, AMERICAN LEGION

Resolution No. 2 of Sub-Title, "Immigration," offered in the Report of the National Americanism Commission of the American Legion, 1922, and unanimously adopted by the National Convention:

WHEREAS, The National Oriental Committee of the American Legion, Thos. N. Swale, Chairman, has rendered a valuable service in the collection and collation of data on the danger from the influx of the Oriental into the United States, compiled in a formal report;

RESOLVED, by the American Legion, in National Convention assembled, That said report be transmitted to the National Legislative Committee of the American Legion for use before the Congress of the United States in urging laws consistent with the facts set forth and the recommendations contained in said report;

FURTHER RESOLVED, That this Convention urge the enactment, without delay, of laws, and the negotiation of treaties if required, for the permanent exclusion as immigrants or permanent residents of the United States of all persons ineligible under the laws thereof to citizenship.

Part of Resolution No. 3 of Sub-Title, "Immigration," offered in the Report of the National Americanism Commission of the American Legion, 1922, and unanimously adopted by the National Convention:

RESOLVED, That Congress be urged to permanently deny admission hereafter, as immigrants or permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States.



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In California, estimates run from 83,000 to 109,000, U. S. Census of 1920 showing 71,952, clearly wrong.

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Secret—its specific terms never made public.

President Roosevelt, by whom it was made, declares its intent was to prevent increase in the United States of Japanese population, because of its unassimilable character.

Japan agreed to it rather than have an exclusion act passed.

It worked satisfactorily at first, decreasing the Japanese population by 2,000 in 6 months.

Roosevelt assured the California Legislature in 1909 that should the agreement not continue to work satisfactorily, the U. S. Government had reserved under it the right to pass an exclusion act.

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Report

TO THE 1922 NATIONAL CONVENTION OF THE AMERICAN LEGION, NEW ORLEANS, LA.

The national committee appointed to investigate and report upon the Oriental question respectfully reports as follows:

Subject of Inquiry Should be Specifically Designated As the Japanese Question.

At the outset it is thought worthy of remark that the only remaining Oriental question is the Japanese question. Chinese immigration was terminated more than thirty years ago by the several Chinese exclusion acts, and practically all other Asiatics except Russians were excluded by the act of February 5, 1917, which created the so-called Asiatic Barred Zone. Japanese immigration alone constitutes a problem for this country. Nothing is to be gained by refusing to discuss the Japanese question frankly. The solicitude for Japanese sensibilities which has dominated our handling of this question in the past has been harmful rather than beneficial. As Lord Northcliffe said a few months before his death: "We are all too anxious to please the Japanese; too much afraid to hurt their feelings. We cater to their whims and we give in to their least desires. We decry and make fun of those who point out to us our danger."

The first essential to a frank discussion is to call the subject by its right name; and we therefore recommend that in future this committee, if continued in existence, be designated the committee on the Japanese question.

Sources of Information.

This report, while in considerable measure based on personal investigation and the familiarity of the members of the committee with the subject matter, is in the main based on information drawn from official sources. Among these are the reports of the several hearings conducted by the Committee on Immigration and Naturalization of the House of Representatives: the first on the so-called Gulick plan in June and September, 1919; the second a series of hearings on the Japanese question held on the

Pacific Coast in the summer of 1920; the third a series of hearings on the Hawaiian labor situation held in the summer of 1921; and the fourth in connection with the hearings relative to the extension or amendment of the so-called Three per cent law held during the winter of 1921-22. This report has also drawn freely from the report of the California State Board of Control, from Mr. Frank Davey's report to Governor Olcott of Oregon, from the census reports, and from the various reports of the Commissioner General of Immigration.

Numbers of Japanese in Continental United States and Hawaii.

The United States census reports state that there were 24,788 Japanese in continental United States in 1900; 67,744 in 1910; and 111,010 in 1920; and that there were 61,111 in Hawaii in 1900; 79,675 in 1910; and 109,274, or 43 per cent of the total population of the islands, in 1920.

These figures, at least for continental United States, are generally conceded to be much below the actual numbers. In 1920 the census gave California 71,952 Japanese. A count taken in 1919 by the Japanese associations of that state showed 83,628 of whom 5,000 were temporarily in Japan, while a calculation made by the State Board of Control placed the number at 87,000. The Registrar of Vital Statistics estimated the number at 109,000. Mr. V. S. McClatchy of The Sacramento Bee argues very convincingly that the number is at least 100,000. Accepting the figures of 83,628 given out by the Japanese associations and applying the ratio of excess to the census figures for the entire country, the result is 132,000 for continental United States, which corresponds closely with the estimate of 130,000 submitted by the Japanese Association of America at the Congressional hearing on the Gulick bill in 1919.

By far the greater part of the Japanese in continental United States are located in the Rocky Mountain and Pacific Coast regions. According to the census of 1920 there are 71,952 in California; 17,387 in Washington; 4,151 in Oregon; 1,074 in Montana; 1,569 in Idaho; 1,194 in Wyoming; 2,464 in Colorado; 251 in New Mexico;

550 in Arizona; 2,936 in Utah; 754 in Nevada; 804 in Nebraska; and 449 in Texas. New York is stated to have 2,686 and Illinois 472.

Figures of Japanese Immigration.

The report of the Commissioner General of Immigration for 1921 (p. 105) gives the numbers of Japanese "immigrants" entering the United States and Hawaii by years as follows: the figure for 1922 was furnished by the Commissioner in advance of his report. All figures are for the year ending June 30. "Immigrants" are presumably distinguished from travelers or other temporary sojourners.

1899. 3,395	1905. 11,021	1911. 4,575	1917. 8,925
1900. 12,628	1906. 14,243	1912. 6,172	1918. 10,168
1901. 5,249	1907. 30,824	1913. 8,302	1919. 10,056
1902. 14,455	1908. 16,418	1914. 8,941	1920. 9,279
1903. 20,041	1909. 3,275	1915. 8,609	1921. 7,531
1904. 14,382	1910. 2,798	1916. 8,711	1922. 6,361

Total.....246,359

From a letter of the Commissioner General of Immigration introduced at the hearing on the Gulick bill segregating the figures for a portion of the years above mentioned, it would seem that for the period since the so-called gentlemen's agreement became effective in 1909 about two-thirds of the Japanese immigration has come to continental United States and one-third to Hawaii.

The "Gentlemen's Agreement."

In 1907, when the number of immigrants reached the record figure of 30,824, President Roosevelt became convinced of the necessity for putting a stop to Japanese immigration, but out of consideration for Japanese sensibilities refrained from urging upon Congress the enactment of an exclusion law on the undertaking of the Japanese government to withhold passports from all persons intending permanent residence in this country. This "gentlemen's agreement" was not submitted to nor ratified by the Senate as a treaty, nor was it even reduced to a single document, and the correspondence by which it is evidenced is not disclosable by the State Department without the consent of the Japanese government. Consequently it is necessary to ac-

cept secondary evidence as to its provisions.

The report of the Commissioner General of Immigration for 1908 states that the agreement contemplated that the Japanese government should issue passports to continental United States to such of its subjects only as were non-laborers, or laborers seeking to resume a formerly acquired domicile, to join a parent, wife or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country.

More explicit statements of the terms of the agreement are to be found in the writings of President Roosevelt. Writing under date February 4, 1909, to the Hon. William Kent, Congressman from California, he said:

"My dear Kent: Let the arrangement between Japan and the United States be entirely reciprocal. Let the Japanese and Americans visit one another's countries with entire freedom as tourists, scholars, professors, sojourners for study or pleasure or for purposes of international business, but keep out laborers, men who want to take up farms, men who want to go into the small trades, or even in professions where the work is of a non-international character; that is, keep out of Japan those Americans who wish to settle and become part of the resident working population, and keep out of America those Japanese who wish to adopt a similar attitude. This is the only wise and proper policy.

"It is merely a recognition of the fact that, in the present stages of social advancement of the two peoples, whatever may be the case in the future, it is not only undesirable, but impossible that there should be intermingling on a large scale, and the effort is sure to bring disaster. Let each country also behave with scrupulous courtesy, fairness and consideration to the other."

Under date of February 8, 1909, President Roosevelt sent the following telegram to the Hon. P. A. Stanton, Speaker of the California Assembly:

"The policy aims at mutuality of obligation and behavior. In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement en masse of the people of either country in the other. * * * *

"If in the next year or two the figures of immigration prove that the arrangement which has

worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance and for the reversal by the National Government of its present policy."

Both the foregoing statements were made while the California legislature was debating the enactment of a law segregating Japanese students from the American children in the public schools, and it was on the strength of the assurance contained therein that the legislature refrained from enacting the law. President Roosevelt, conscious of the importance of his words, undoubtedly wrote with scrupulous care as to their accuracy. There was little chance of his recollection being at fault for he wrote within a few months of the consummation of the agreement.

Writing at a later date he confirmed his former statements. In his autobiography he says:

"There has always been a strong feeling in California against the immigration of Asiatic laborers, whether these are wage earners or men who occupy and till the soil. I believe this to be fundamentally a sound and proper attitude, an attitude which must be insisted upon. * * * The people of California were right in insisting that the Japanese should not come thither in mass, that there should be no influx of laborers, of agricultural workers, or small tradesmen; in short, no mass settlement or immigration. * * *

"It is eminently undesirable that Japanese and Americans should attempt to live together in masses; any such attempt would be sure to result disastrously, and the far-seeing statesmen of both countries should join to prevent it. * * * Wise statesmen, looking to the future, will for the present endeavor to keep the two nations from mass contact and intermingling, precisely because they wish to keep each in relations of permanent good will and friendship with the other. * * *

"I secured an arrangement with Japan under which the Japanese themselves prevented any immigration to our country of their laborers, it being distinctly understood that if there was such emigration the United States would at once pass an exclusion law."

The Rev. Sidney L. Gulick, author of the so-called Gulick or "percentage" plan for the restriction of immigration, and an ardent friend of the Japanese, in a pamphlet entitled "The New Japanese Agitation—1920," says:

"Californians were demanding that the Chinese exclusion laws be applied to the Japanese. Japan wished to avoid the humiliation of

such an action, and accordingly made an arrangement with the United States to stop all new labor immigration. This is known as the Gentlemen's Agreement."

In a word, the "gentlemen's agreement," as Mr. Gulick makes plain, was intended to have all the effectiveness in terminating Japanese immigration that the Chinese exclusion laws had shown in terminating Chinese immigration. And, as stated repeatedly by President Roosevelt, it was to be superseded by an exclusion law whenever and as soon as experience proved it to be ineffective to achieve the results intended for it.

Non-Observance of the "Gentlemen's Agreement."

Reverting to the figures by years of Japanese immigration, it will be seen that since the "gentlemen's agreement" went into effect in 1909 a total of 104,703 Japanese immigrants have entered continental United States and Hawaii. In addition to these, 16,418 came in during the year ending June 30, 1908, the interval between the conclusion of the agreement and the date of its going into effect. During this period the number of Japanese in continental United States as indicated by the census reports increased 43,266 between 1910 and 1920, while the number of Japanese in the Hawaiian Islands increased 29,599 during the same period.

By contrast, the Chinese population of continental United States under the Chinese exclusion laws decreased from 71,531 in 1910 to 61,639 in 1920, according to the U. S. Census reports.

The question naturally arises as to how this seemingly anomalous condition relative to the Japanese has come about.

In the main the results in question have been achieved by the use of three fictions, which though plainly violative of the spirit and purpose of the "gentlemen's agreement," have furnished the Japanese a basis for the contention that they have adhered to the letter of the agreement.

The first of these fictions has been the designation of persons as "students" who came to this country with no thought but that of making it their permanent home, and whose studies on arriving were limited to acquiring the English language and familiarizing themselves with

American usages. These "students" spent a few weeks in American schools, then disappeared to accept employment and later to show up as the proprietors of various business enterprises or as the owners or lessees of farms.

A second fiction was that of designating persons as "parents" or as "children" of former residents who were such only by adoption contracted for the express purpose of qualifying them to come to this country under the provisions of the "gentlemen's agreement." Under this arrangement no limit has been placed on the number of "children" a former resident might adopt, nor, indeed, is it believed the privilege of adoption has been limited to former residents. Apparently, new arrivals have been regarded as having the right to bring in adopted parents or children of their own, even going so far, when necessary, as to renounce the adoption under which they themselves had entered.

A third fiction has been that of designating as "wives" of former residents women whose claim to the title was derived through the formality of accepting as her husband a man in this country, usually though not always employing a photograph of the absent husband to symbolize his presence.

The report of the California Board of Control states that 5,749 of these "picture brides" came in at the port of San Francisco between July 1, 1911, and February 29, 1920, when the issuance of passports to them was discontinued by the Japanese government on the request of the government of the United States.

Since the last mentioned date the "picture bride" has been superseded by the "Kankodan or Excursion Bride." A Japanese man in this country must now go to Japan to obtain a wife, but an association of wealthy Japanese has brought about a system of low excursion rates and the Japanese government has co-operated by suspending the military service law so as to allow him to stay 90 days in Japan instead of 30 without being liable to military duty where he comes for a wife and not for business or pleasure. During the year ending September 1, 1921, there came in through the ports of Seattle and

San Francisco 2,197 new Japanese wives under the Kankodan or excursion arrangement.

Japanese Women Immigrants.

Not all the women who have come to this country from Japan have been included in the "picture bride" or "excursion bride" categories. A letter from the Commissioner General of Immigration introduced during the hearing on the Gulick bill states that during the eight years between 1912 and 1919, inclusive, 21,788 "Married females" entered continental United States from Japan, an average of 2,723 each year. The immigration reports do for the subsequent years not segregate between women entering continental United States and those entering Hawaii, but assuming only 2,000 a year for 1920, 1921 and 1922, and a like figure for 1909, 1910 and 1911, or 12,000 for those six years, a total of nearly 34,000 women have entered the United States proper since the "gentlemen's agreement" was consummated.

In consequence of this heavy influx of women, the 1920 census report shows that whereas in 1910 there were only 9,087 Japanese females in continental United States as against 63,070 males, in 1920 there were 38,303 females as against 72,707 males.

In the last analysis it is the presence of the Japanese women that presents the most formidable aspect of the Japanese question. Except for these women the problem would be settled by the enactment of an exclusion law and the dying off or return to Japan of the men now here, as has taken place with the Chinese. The women make the Japanese problem a permanent one.

Japanese Birth Statistics.

The result of the coming of these Japanese women is to be seen in the birth statistics of the states bordering on the Pacific Ocean. A report compiled by Mr. L. E. Ross, the State Registrar of Vital Statistics of California gives the number of Japanese births in that state, beginning with 1906, as follows:

1906..134	1910.. 719	1914..2,874	1918.. 4,218
1907..221	1911.. 995	1915..3,342	1919.. 4,458
1908..455	1912..1,467	1916..3,721	1920.. 4,971
1909..682	1913..2,215	1917..4,108	1921.. 5,275

Total.....39,855

In the State of Washington the records of Japanese births were combined with those for the Chinese for the years 1910 to 1917, inclusive, the number of Chinese births being inconsequential. They are quoted in Mr. Matsumi's statement filed with the Congressional committee of 1920, as follows:

	For the State.	For Seattle.
1910.....	234	162
1911.....	312	188
1912.....	428	252
1913.....	497	297
1914.....	670	389
1915.....	707	403
1916.....	789	424
1917.....	849	437

Records were not kept for the succeeding years until 1920, when the Japanese births in Seattle were shown to have been 730 out of a total of 6,208, or one in every 8.5 births. In 1921 the Japanese births in Seattle were 743 out of a total of 5,716, or one in every 7.6 births. The total Japanese births in the State of Washington for 1921 were 1,277 out of a total of 27,567 births. In 1921 there were 1,017 Japanese children in the Seattle grade schools and 83 in the high schools.

For the State of Oregon a statement filed with the Congressional Investigating Committee of 1920 by Mr. T. Abe, President of the Japanese Association of Oregon, shows, without giving the source of the information, that the Japanese births in that state for the preceding five years had been as follows:

1915.....	142
1916.....	109
1917.....	198
1918.....	168
1919.....	190

In Hawaii, as shown by the census of 1920, there are 49,016 Japanese entitled to American citizenship by virtue of having been born in the islands.

Agricultural Land Holdings and Crop Values.

The report of the California Board of Control shows that 458,056 acres out of a total of 3,893,500 acres of irrigated lands in that state are held by Japanese, who therefore own or control

approximately one-eighth of the state's most productive agricultural lands. The Japanese Agricultural Association of California states that in 1909 the Japanese held 83,252 acres and in 1919, 427,029, a gain of 413 per cent in ten years. During the same period the value of the crops raised in that state by the Japanese rose from \$6,235,856 to \$67,145,730, an increase of 977 per cent.

The report of an investigation conducted in the state of Oregon in 1920 under the directions of Governor Ben W. Olcott of that state states that at the date of the report the Japanese in that state owned 2,185 acres and leased 7,911 acres. The total value of the crops raised by Japanese in 1919 was \$700,000, and the amount invested by them in land, stock and equipment was \$638,000. Of the lands controlled by Japanese nine-tenths are devoted to vegetables and berries.

For the state of Washington a statement filed with the Congressional committee in 1920 by Mr. D. Matsumi, President of the United North American Japanese Associations gives the total acreage under Japanese control in the state of Washington as 16,060, of which 6,733 acres lie in Yakima and Kittitas Counties, a highly productive irrigated region in the central part of the state, and 3,801 acres in the alluvial bottom lands of King County bordering on Puget Sound. Japanese dairy-men are shown by the statement to have produced 4,047,547 gallons of milk, mainly in King County where they produced approximately one-third of the total. In an article published in a special 1921 New Year's edition of the Japanese "Great Northern Daily News" Mr. Matsumi states that at that date the Japanese occupied 20,500 acres in the state, and that in King County they produced 70 per cent of the garden truck and vegetables, 50 per cent of the small fruits and berries and about 32 per cent of the dairy products.

In Idaho the Japanese are to be found chiefly in the irrigated farm lands of the Snake River Valley. In Colorado they virtually control the Rocky Ford melon country. In Nebraska

they are chiefly engaged in sugar beet raising in the western end of the state.

Almost without exception the Japanese are to be found on the most fertile grades of land. Except occasionally in reclaiming swamp land giving promise of high productivity, they have done little pioneering. The claim sometimes made for them that they have cleared the stumps from logged-off land has no foundation in the state of Washington, where this work has been and is being done entirely by white settlers, and is believed to have little foundation elsewhere.

Japanese Methods for Acquiring Control of Agricultural Land.

The swiftness with which in a period of less than fifteen years these extensive land holdings have been acquired by the Japanese prompts inquiry into the methods by which results of such a startling nature have been achieved. Nothing that has come to the attention of this committee will better serve to describe these methods than an appeal sent out to their comrades by veterans living on the Yakima Indian Reservation in the state of Washington. This appeal was largely responsible for the enactment of the Washington alien land law of 1921 and later for the promulgation of a ruling by the Hon. Albert B. Fall, Secretary of the Interior, discontinuing the former practice of leasing indian lands to Japanese. The appeal reads: "TO THE VETERANS OF THE STATE OF WASHINGTON:

"We, the veterans of the Yakima Indian Reservation, ask you to get behind Initiative Measure Number 37 and put it over.

"Do you realize the situation in the Yakima Valley? It is getting desperate. Here are the facts.

"Today the Japs are leasing the best land on the Yakima Indian reservation. They are able to do this by the following procedure: They go to the Indian and give him anywhere from fifty to one hundred dollars as a bonus. They give the Indian agents presents and valuable presents every year. Then they will offer as rent a higher rental than a white man can pay. For example, if the white man can pay twenty dollars per acre per year the Jap will offer from thirty to fifty dollars per year. (Figure it up on an eighty acre farm.)

"When the Jap needs bondsmen, who must be a citizen, he first gives the prospective bonds-

man expensive presents and then gives him one or two hundred dollars for going on the bond, and in that way is always able to find renegade white men to fit into their scheme of things.

"Japs on this reservation have gone broke this year, lots of them, but from some place comes enough money to tide them over. And those who cannot get the money simply disappear and a new Jap appears to take his place, with a bill of sale from the former Jap, and the former Jap's creditors go hang. While if a white man goes broke, he is broke and there is no organization to finance him over the set-backs, and he cannot disappear.

"The Jap lives in a hovel. His women folk work in the fields, and they have been seen in the fields working with children strapped to their backs, and in baby carriages, which a white man would not allow his wife or daughter to do.

"The Jap is buying property, taking the title either in his American-born child's name, or in the name of a renegade white man who holds for the Jap.

"Each month sees more Japs on the reservation, both by birth and by immigration. The Jap breeds faster than any other element in the American nation. Where the ones come from who come from the outside we do not know, but the fact remains, they come.

"We are rapidly approaching the following condition: Either the Jap leaves, or the white man will have to leave. We are fighting as hard as we can. WHAT ARE YOU GOING TO DO?"

While the foregoing document describes many of the methods employed by the Japanese in out-bidding Americans for the lease of farm properties, it does not state all the methods to which they have resorted in order to bring pressure upon Americans to lease or sell to them.

A favorite method of accomplishing this end, as shown by the 1920 Congressional investigation, has been for Japanese harvesting crews to stop work in the midst of the harvest, then when the crop is about to spoil to return and contract for the crop and ultimately to obtain a lease of the farm or orchard. Again Japanese farm hands have been known to employ various forms of sabotage in order to discourage their employers and drive them to lease to them. Japanese farmers have been known to move entire crops from one neighboring farm to another under cover of darkness in order to take advantage of the better prices obtained by their neighbors. They have induced Americans in many instances to lease to them by obtaining proper-

ties surrounding the coveted tract and subjecting the owner to a systematic course of petty annoyances. When considerable colonies of Japanese have succeeded in establishing themselves in particular localities the remaining Americans have often moved out and leased their farms to Japanese out of disgust with the conditions under which they found themselves; particularly that of having to send their children to schools where the majority of the students were Japanese."

The Japanese in the Cities.

The activities of the Japanese have not been confined to agriculture. In all the cities of the Pacific Coast they are to be found engaged in nearly every conceivable line of commercial enterprise. During the course of his testimony before the Congressional investigating committee at its Seattle sessions in 1920 Mr. Matsumi submitted a statement showing the principal lines of business in which Japanese were engaged in that city as follows:

Hotels and Apartments.....	338
Barber Shops.....	70
Dyeing and Cleaning Works.....	48
Grocery Stores.....	80
General Merchandise Stores.....	75
Restaurants.....	38
Tailors.....	29
Second Hand Stores.....	45
Laundries.....	12
Transfers.....	27

A statement covering the same subject prepared in the office of the Seattle Fire Marshal was also filed with the committee varying slightly from Mr. Matsumi's statement but including numerous other lines of industry and showing a total of 1,462 Japanese engaged in 65 different lines of business.

The report submitted by Mr. Frank Davey to Governor Olcott of Oregon says:

"The Japanese are becoming a noticeable factor in the business life of Portland, being interested in various lines, from card rooms to some of the heaviest of legitimate business enterprises. From reliable sources I learned that 90 per cent of the smaller hotels and lodging houses are now in their hands and that they are gradually extending their operations in various branches of trade."

Japanese in the California Fisheries.

According to the report of the California Board of Control there were 1,316 Japanese engaged in fishing off the coast of that state in 1920, or 28 per cent of the total operating 355 out of 796 boats. The states of Oregon and Washington have laws forbidding any but citizens of the United States to fish in their waters, and a similar federal statute of 1916 applies to Alaska. In 1905 some Japanese fishermen appeared off the Alaska coast whereupon President Roosevelt sent two revenue cutters to the scene. The Japanese fishermen were imprisoned, their boats confiscated and the dwellings which they had erected on shore destroyed. Since then no attempt has been made by Japanese to fish in Alaskan waters. President Roosevelt's action was taken under authority of the federal navigation laws which required all vessels in the coastwise trade or fisheries to be licensed and provided that licenses should issue only where the master and owner of the vessel were American citizens. Federal officers have been requested to invoke this law to stop the Japanese from fishing in California but as yet no attempt has been made to do so.

Japanese Situation in the Hawaiian Islands.

Owing to its climate and crops Hawaii has for many years had a large demand for plantation labor which has been in great measure supplied by Japanese who attained formidable numbers in the islands long before they became a source of concern on the Pacific Coast.

According to the census report the Japanese in the Hawaiian Islands in 1920 numbered 109,274 or 43 per cent of the total population of 255,912. Of these 49,010 were born in the islands and are presumably endowed with all the rights of American citizenship, including the right to travel from the islands to continental United States and take up their domicile there, to own land, and on coming of age to vote, either in the islands or on the mainland.

Of these 49,010 Hawaiian-born Japanese there were on January 1, 1920, 6,095 of the ages of 18, 19, 20 and 21 years, practically all of whom are of voting age at the date of this writing.

As yet the control of the land is in American

hands, but in 1920 an extensive strike occurred among the Japanese field hands bearing strong evidence of a concerted plan to compel the land owners to yield the control of the land to the Japanese. This resulted in the sending by the Hawaiian legislature of a delegation to ask Congress for legislation permitting the bringing in under bond of a limited number of aliens of other nationalities. Out of two printed volumes of testimony we give the following condensed statement of the salient points brought forth:

"A general cause of the shortage, which has recently become acute, is the fact that the Japanese, who constitute more than 60 per cent of the labor, have ceased to appreciate the opportunities given them as individuals and now aim collectively to revolutionize the control of agricultural industries to the end that Japanese capital acquire substantial planting interests for itself, instead of merely contributing the labor for those interests under American control. The Japanese now has money he never had before and has determined to use that money and the strength of his numbers to leave the established industries without necessary labor and enter into competition on his own account with these established industries or actually acquire them.

"Furnishing normally at least 60 per cent of the required labor supply of the Territory, the Japanese are in a position where, by failing or refusing further to provide that labor supply, they can dictate to, if not actually secure control of, the established industries. Since political control of the Territory cannot be divorced from the control of its essential industries, Japanese acquisition of the latter must surely be followed by their possession of the former.

"With funds in amounts never before possessed by them, the Japanese, who think and act collectively, are provided with capital for their collective use in acquiring control of industries at present owned and controlled by Americans. That they intend to secure such control is demonstrated not only by their disinclination or actual refusal to be employed by American-controlled industries but also by their several specific attempts to purchase the control of some of these industries.

"Within the past several months, Japanese or persons representing them have made two actual offers to purchase outright, or to purchase the control of one of the largest sugar companies in the Territory. The Japanese purpose to secure control of established industries, or to make continued American control difficult and expensive, can also be recognized in such an incident as the one in which Japanese interests recently bid, at public auction, for a site and right of way adjacent to a plantation. Except-

ing only the plantation to which it was essential, this right of way was practically useless to anyone who might acquire it; but, despite this fact, the Japanese interests present at the auction, by bidding, raised the final sale price to \$36,500, although the appraised valuation of the property was only \$14,000.

"Under the present conditions efficient or profitable operation of existing American organizations is impossible. Such a condition must inevitably bring the planter to the point where he must sell his organization to any available buyer. Sale either before or after failure must be made to the people who control the majority of the available field labor; and, considering this fact, it is at once apparent that there could be no purchasers except Japanese. When this point has been reached and such a sale of American-controlled industries is forced by the shortage of field labor, further American control ceases and Japanese control of the Territory's industries begins.

"Considering the fact that the prosperity of the entire Territory as a Commonwealth is based on the sugar and pineapple industries, it soon becomes evident that political control must be vested in those who control these two large and essential agricultural industries.

"As a matter of practice, the Japanese have banked with the Japanese banks for years, and the Japanese banks have made their investments in Japan. There was \$17,000,000 sent home to Japan in 1920. The first indication we had of any disposition on the part of Japanese capital to come to Hawaii in large amounts was about a year ago when an effort was made to purchase the control of one of the plantations. The amount involved was two or three million dollars.

"The approach came from the Japanese, the idea being that they wished to show a vested interest in the country, to be one with us and so on. We did not entertain it, believing that if the start was made, the entering wedge driven home, it would be only a question of time until the control of our industry would pass into alien hands, just as surely as the potato and strawberry business of California have passed into control of these people.

"There seems to be an agreement between those in California and Hawaii, and the policy which has been worked out in California will be worked out in Hawaii.

"The strike was exclusively Japanese. The national lines were drawn as clean as a razor cut. The experience they are having in California is repeated in Hawaii. A great many of us have believed that by exerting a different attitude toward the Japanese, the results would be favorable to the intermingling of the two nations, and eventually the bringing of them into the full American spirit. I was one of those who

believed that there were so many well educated prominent Japanese in Hawaii who had bettered their condition in every way after coming under American influences and ideas that if it came to a strike we could rely upon the prominent business and professional men to take the matter up with us and work out a proper solution. For six months it was absolutely impossible to get any one of them to come out and take the stand, through the Japanese press or through public meetings, that the strike was wrong. They did not have the courage to face the Japanese community which was completely in sympathy with backing up those of their own nationality.

"Some of the very worst agitators among the Japanese strikers were American-born Japanese young men. In many instances they were the heads of the unions, and we had good reason to believe that they were the ones who were firing the fields. They would go along, apparently, in automobiles with bombs and throw them into the fields. We had very serious fires. For a while we had a fire every night.

"We knew that they had in their organization an assassins' corps, as they called it, composed of men from the different districts of Japan. These districts had representatives in this assassins' corps, and it was their business to beat up people, burn their houses, kill them, or do anything they could to discourage anybody who attempted to go back to work. They would hold up automobiles at any time of night and flash lights in the cars. They had their organization trained as perfectly as any army. They had sergeants, captains and all the grades. They had their majors and battalion commanders and their major generals in Honolulu.

"I have had to do with two different strikes we have had out there with the Japanese and I have never had any delusion with regard to Americanizing them. I do not believe there is any prospect of Americanizing them. Without doubt, as a race, the absolute coherence and solidarity of the Japanese is marvelous, irrespective of whether they are born in Hawaii or not.

"The United States Government is going to control the situation out there. If it becomes so bad that any alien race gets control of the electorate, I expect the Government will step in and form a commission form of government, the commission being composed largely of military or naval men."

The press dispatches of September 13, 1922, mentioned that a Hawaiian-born Japanese had filed as a candidate for the territorial legislature.

Japanese in the Philippine Islands.

In April, 1921, Baron Tanaka visited the Philippine Islands where he held several confer-

ences with Governor General Leonard Wood relative to the question of determining the property rights which settlers from Japan might expect to enjoy. This committee is not informed as to what the results of these conferences were nor as to what if any action has since been taken by the United States Government. The Seattle Times recently printed the statement of Mr. Gilbert Hall, an American engineer, who had just returned from a three years' stay in Mindanao, to the effect that 35,000 Japanese settlers are now established in the province of Davao on that island.

Japanese Solidarity.

One of the striking features of the Japanese situation in this country is the coherence and solidarity of the Japanese, whether born in Japan or in the United States. This solidarity manifests itself in the co-operation of the Japanese in all lines of business. Japanese engaged in the same line of business form themselves into organizations for the purpose of regulating prices, avoiding competition with each other, and co-operative buying. Japanese merchants when possible purchase from Japanese sources. Japanese farmers in the State of Washington go so far as to send to their countrymen in California for seed rather than buy of local American dealers. Some years ago American wholesalers on the Pacific Coast were friendly to the Japanese grocers, druggists and merchants. Today they are finding that their former Japanese customers are buying from Japanese wholesalers.

Controlling in large measure the production of vegetables on the Pacific Coast, the Japanese are in turn acquiring extensive interests in the commission business. In Seattle they dominate, if they do not control the public market. With good reason they boast that their hold on the production and distribution of food products of the Pacific Coast is so strong that a very serious situation would result if they should suddenly abandon the raising of vegetables and garden produce. Statewide organizations of Japanese farmers have been made possible through the enactment of the amendment to the federal Anti-Trust Law excepting farmers and stock

raisers from the effect of its provisions. The Japanese newspaper, "Shin Sekai" of San Francisco, under date of June 20, 1920, calling attention to the enactment of the amendment said: "Farmers can now combine to control the marketing of their output: We rejoice in this opportunity on behalf of the Japanese farmers for whom co-operation is so necessary."

Inner Government of Japanese in the United States.

One reading the report of the investigation by the House Committee on Immigration on the Pacific Coast in 1920 is struck by the frequent mention of the various Japanese associations. Witnesses appeared before the committee representing the Japanese Association of Southern California, with headquarters at Los Angeles; the Japanese Association of America, with headquarters at San Francisco; and the United North American Japanese Associations, with headquarters at Seattle. Mr. Frank Davey's report to Governor Olcott of Oregon incorporates a statement supplied by the Japanese Association of Oregon, with headquarters at Portland.

Each of these associations exerts jurisdiction over an extended territory, sometimes covering several states; and under each are many local associations. Each of these associations maintains contact with and to a large degree is subject to the orders of the resident Japanese consul. These organizations have great authority over and maintain a high degree of discipline among the Japanese within their respective jurisdictions. They constitute, in fact, an inner government by means of which the rule of the Japanese government is made effective over all members of the race residing in this country.

Probably no more illuminative exposition of the character and purpose of these organizations is available than is to be found in a series of articles appearing in the Oakland, Cal., Tribune in October, 1920, over the signature of Dr. Yoshi Saburo Kuno, Professor in the Department of Oriental Languages in the University of California and son of General Kuno of the Japanese army. In part Dr. Kuno said:

"The Japanese are not living in this state as emigrants. In my opinion they are establishing plantations of their own, introducing their peculiar civilization and governmental, as well as educational institutions right in the midst of American civilization. With the recognition of their home government through their consulate offices, they have established a sort of quasi-government in leading cities, towns and districts, wherever the size of the Japanese population warrants. They levy a tax on Japanese males and Japanese families under the caption of a membership fee.

"In the State of California, the Japanese government maintains two consulate offices, viz.: a consulate general at San Francisco and consulate at Los Angeles.

"Under the control of each of these offices, there is one central Japanese association. Under the control of each central association, there are in turn numerous local Japanese associations. For example, the Central Japanese association at San Francisco has 40 local associations under its control, while the one at Los Angeles has 12. * * * *

"In case a local association should disobey, conduct itself with too great independence, or commit any irregularity, the consul general's office, upon the advice of the Central association, would deprive it of all rights and privileges, such as the issuing of certificates.

"The Japanese in the state hold an annual assembly corresponding somewhat to the California State Assembly. This assembly is composed of delegates sent by the local associations. There is also another assembly held annually, which may be likened to the California State Senate in that only the managers of the various local associations are entitled to sit in that august body.

"The purpose of the Japanese associations, quoting from the regulations of that in Berkeley, is 'to defend, protect, and guard Japanese interests and privileges against the outside, and to maintain and establish unity and harmony in the inside that they may enjoy full benefits'."

Retention by Japan of Allegiance of Japanese In the United States.

The system of government within a government, which is described above resulting in the maintenance by Japan of control over all persons of the Japanese race wherever found through the agency of its consular officials exerting their authority by means of the central and local associations, is necessarily founded upon the retention by the persons submitting to such authority of their primary and true allegiance to Japan. Without the existence

of such allegiance the attempt to maintain her authority over her subjects in this country would be futile. That the Japanese government has not relinquished its claim to the allegiance of its nationals in this country is brought out in Professor Kuno's articles, where he says:

"All the Japanese who live in the United States, whether they were born in this country or have come from Japan, have many affairs to be attended to in connection with the home government, because all are claimed as subjects by the Japanese government. * * * All the Japanese in the United States, including native sons and daughters, being, from the standpoint of Japan her subjects, are obliged to report births, marriages, and deaths, besides movements of the families, to the Japanese government."

Corroborative of this statement, Mr. D. Matsumi, President of the United North American Japanese Associations, in his statement filed with the House Committee on Immigration during its Seattle hearings in 1920, says:

"The Japanese law requires all her subjects to register births and deaths in the local registry of the district in which the parents of the child maintain their Japanese legal residence, and the procedure of registration of those residing in foreign countries requires that the parents of the child file a certificate of birth or death with the local Japanese consulate of the district in which they reside and that a certificate shall be forwarded to the local registry of the district in which the parents maintain their legal Japanese residence."

By a law promulgated March 15, 1916, Japan provides for the expatriation of her subjects whether born at home or in a foreign country. From translations of this law, one by Professor Kuno and Professor Max C. Baugh appearing in the report of the California Board of Control, and the other submitted by Mr. Matsumi in his testimony before the House Committee on Immigration, it is seen that Japanese children born and retaining their domicile in this country may divorce themselves from their allegiance to Japan with the permission of the Minister of State for Home Affairs upon filling out and signing and filing with the Japanese consul a blank form provided by the Japanese government entitled a "Declaration of Losing Nationality." This must be done before the child, if a male, reaches 17 years of age; otherwise he

must first complete his service in the Japanese army or navy.

The report of the California Board of Control states that according to the Japanese vice-consul at San Francisco not more than a dozen American-born Japanese children had signed the "Declamation of Losing Nationality" and so far as could be learned none of these had been accepted by the Japanese government.

Preservation of Japanese Language and Ideals Among American-Born Children.

So far as the Japanese government is concerned the evidence is highly convincing that Japan not only does not contemplate relinquishing its hold on the allegiance of the Japanese emigrants to this country and their children, but is determined to retain it by every available means. It is essential to this plan that the American-born Japanese children be instructed in the Japanese language, history, traditions and aspirations. This is being done by means of Japanese language schools in this country and by sending children to Japan to complete their education.

Japanese Language Schools.

The reports of the several Congressional investigations and hearings contain frequent reference to the Japanese language schools which Japanese children are required to attend, generally outside the hours of their attendance at the American public schools. A report submitted on October 17, 1921, by the Secretary of the Japanese Association of America to the Superintendent of Public Instruction of California lists 54 such schools in that state. Mr. D. Matsumi, in his statement to the Congressional Investigating Committee in 1920 gives the locations of 12 such schools in the State of Washington. A list of the Japanese language schools in the Hawaiian Islands prepared in 1920 by Mr. Vaughan McCaughey, Superintendent of Public Instruction, showing 160 schools with an attendance of 20,253 pupils, is given at page 414 of the report of the investigation conducted in 1920 by the House Committee on Immigration.

The character of the teachings of these schools appears to vary. Some are conducted by Japanese priests; others by young American-

born Japanese. The Japanese contend that the purpose of these schools is merely to acquaint the children with the Japanese language so that they may converse with their parents, and that the original text-books brought from Japan are being revised to eliminate much that would be unfamiliar to American-born children. No actual copies of such revised text books were produced. On the contrary, the pronounced Japanese character of the text books may be gathered from the remark of Congressman Siegel during one of the sessions of the Investigating Committee in 1920 where replying to a witness he said:

"The other day we went to one of the schools and we saw one of the books, and all we saw in it was a series of pictures showing the success of the Japanese forces, and we looked through the entire school book, a book from which they were being taught, and we could not find anything in there about the United States, either by picture or otherwise."

Mr. Ivan H. Parker, a member of the California Legislature, testified:

"I visited the Japanese language school at Penryn some months ago. There I found a very affable Buddhist priest, and I told him I was interested and asked him concerning his school. We entered; the door was closed; nothing on the walls except a map of Japan. No evidence of America whatever. I questioned him regarding the procedure, and he said: 'Oh, everything is essentially Japanese, Japanese ideals'."

The tenacity with which the Japanese cling to these schools was demonstrated recently in Hawaii where the territory had under consideration a bill to abolish them. The Japanese in the islands made such a vigorous fight to retain their schools that the legislature was practically forced to defeat the bill.

Sending of American-Born Children to Japan To Be Educated.

It is a matter of common knowledge on the Pacific Coast that Japanese whose financial condition is such as to enable them to do so send their children to Japan between the ages of 10 and 12 years and allow them to remain there for several years for the purpose of completing their education in the country of their parents' nativity.

The report of the State Board of Control of

California states that a census made by the Japanese associations at the request of the Board mentioned that in addition to the resident Japanese population about 5,000 American-born Japanese were in Japan for the purpose of completing their education. An examination of the records of the San Francisco Immigration Office conducted by the Japanese Exclusion League of California covering the period from July 1, 1919, to January 23, 1921, and an estimate for the six months following, indicated that for the three years following July 1, 1919, the number of California-born Japanese children sent to Japan was 6,649. As the average period of stay is at least six years it is calculated that between ten and fifteen thousand children are now in Japan from California alone. A witness before the Congressional Investigating Committee quoted the County Superintendent of Schools of Hood River, Oregon, as saying that 90 per cent of the Japanese children of that region were sent to Japan to be educated. An article by Mr. Joseph Timmons of the Los Angeles Examiner written in 1921 states that twenty thousand Japanese children from Hawaii, 13,000 of them Hawaiian-born, were at the time of his writing in Japan receiving their education, according to the records of the immigration office.

A witness before the House Immigration Committee at its hearings on the Hawaiian labor situation testified to a personal experience showing the purpose for which these children are sent to Japan. He said:

"I have had a Japanese working for the Hawaiian Sugar Planters' Association since 1901. He married in Hawaii and has eight children. So far as I know, this young man has as nearly imbibed the ideas of Americanism as any Japanese I know of there. He is associated with white people in his work and has always been very loyal to me. Just previous to my coming away from Honolulu this man came to me and said: 'I want a vacation to go back to Japan.' I said 'Why?' He said, 'I want to take my children to Japan. I want to educate them as Japanese. I do not want them to grow up as Americans!'"

Japanese Views on Inter-marriage with Americans.

This committee would not consider its duty performed without calling particular attention

to the fact that throughout the states of the Pacific Coast Japanese boys are growing up with American girls in the schools under conditions bringing them into close association and offering many opportunities for social intermingling. The question inevitably intrudes itself upon anyone giving thought to this situation: If these Japanese boys are to meet American girls at their school functions and other social gatherings how are they to be prevented from paying them the same attentions shown them by American boys, such as attending them to the theatres and dances, and visiting them at their homes? And when this latter step has been achieved what parent can complain if they offer themselves to these same girls in marriage?

The Japanese are a self-assertive race. Behind them is a government jealous of the racial prestige of its people. Diplomatically and adroitly, but no less unmistakably, they are seeking to insinuate themselves into American social and family life. As their numbers and their financial and political power increase they will become constantly more insistent upon social recognition and more urgent in seeking intermarriage. In no other way can their racial equality, which they sought to have formally declared at Versailles and at Geneva, be so incontrovertably established as by the free and unrestricted acceptance of their people in marriage by the white races.

All doubt on this subject is dissipated by a reading of the report of the Congressional investigation of 1920. Many Japanese witnesses were interrogated on the subject of intermarriage, but none was found who would say that he was opposed to it. Some thought the time not ripe because of American antipathy, but all thought this antipathy would eventually die out and permit of general intermarriage.

George Shima, the "potato king" of California, thought that intermarriage would improve the American stock, and remarked:

"There may be objections now, but a hundred years from now we will look back upon it as all right. When the potato seed in California is no longer good, we bring in Oregon seed, and

the second year after it is acclimated we have a fine crop of potatoes. * * * *

"In one hundred years, when you come back, you will see this warm Japanese blood mixed up with your race."

Mr. Junzo Sassamori, Secretary of the Japanese Association of Southern California, testified to the same effect and filed with the committee a written report in which he said:

"We firmly believe that we can obtain a better race by intermingling the bloods of different races. Proofs of this are abundant in the history of the human race. We believe intermarriage between Japanese and Americans is the result of the natural course after the Japanese are assimilated psychologically and socially, or, in other words, if such intermarriage takes place after the Japanese are thoroughly Americanized. * * * *

"There is a strong presumption that the intermingling of bloods will produce a new type of American possessing the excellent qualities that Japanese men have inherited from their forefathers. The admirable traits of the Japanese will persist, the Japanese spirit will be part of their inheritance, though modified by the environment of the New World."

Viscount Shibusawa, when in Seattle in January, 1922, said:

"There is no reason why Japanese and Americans should not intermarry. That, perhaps, is the ultimate solution of the Pacific question."

This committee is of the opinion that while many Japanese, to judge from the expressions of their representative men, look forward to a conquest, peaceable or otherwise, of the Pacific Coast, the aspirations of the Japanese nation would be satisfied for the time being if, in addition to being admitted on the same terms as other races, their nationals in this country were accorded all the social and political rights enjoyed by immigrants of other races, including that of unrestricted intermarriage. Whether or not this concession would be utilized as a stepping stone to eventual domination of the Pacific Coast is discussed under the following heading.

Japanese Purpose As Indicated In the Expressions of Their Leading Men.

In order that the seriousness of the Japanese question may be understood it is necessary to obtain the Japanese point of view, which can be had in no way better than from the statements of prominent Japanese and the editorial com-

ment in Japanese newspapers. One of the most instructive of such editorials, appearing in the "Shin Sekai" or "New World" of San Francisco, in October, 1919, said:

"We should advance and not recede. To stop is to retreat. While we push forward boldly the enemy has no chance to form plans.

"What can Phelan do? What can Inman do? WHEN WE OF THE YAMATO RACE ARISE WITH A MIGHTY RESOLVE. THEIR OPPOSITION WILL BE AS FUTILE AS AN ATTEMPT TO SWEEP THE SEA WITH A BROOM.

"Even if photograph marriages should be prohibited, we cannot be stopped from leaving our descendants on this American continent. Even if not a single Japanese woman comes it is not possible to prevent the seed of our great Yamato race from being sown on the American continent by marriages with Americans, with French, with Indians and with negroes, especially since there are already 100,000 Japanese here and 5,000 are born annually.

"Supposing that we Japanese were prohibited from owning or cultivating the land. Even the laws of California are not forever unchangeable.

"THE DAY WILL COME WHEN THE REAL STRENGTH OF THE JAPANESE WILL MAKE A CLEAN SWEEP OF ALL LAWS."

The far-seeing nature of the Japanese designs is attested by their not infrequent allusion to the "plan of one hundred years." An album of scenes depicting the Japanese farming activities which was published in Sacramento in 1915 contained a preface which said that it would serve not only as a souvenir but "for the larger purpose of contributing to the formation of the great colony scheme of 100 years." An article in the Sacramento "Daily News," a Japanese newspaper, discussing the then pending alien land bill, said:

"It is impossible to escape anxiety because of the many serious matters which arise, one after the other, in connection with our plans of resistance in the present crisis and their relation to our compatriots' plan of a hundred years."

The importance of propagating the Japanese race in furtherance of this plan of one hundred years is emphasized in the following article which appeared in the "Nichi-Bel" of San Francisco, in October, 1919.

"The Americans wish to kick Japan down to international isolation and confine development of her people to one small island country. Truly it is a laughable and villainous plot.

"Awake! Even if we cannot expand our country's borders let us expand with all speed

the Yamato race of which we are justly proud.

"Beget! Beget! Beget! It is only by the propagation of our Yamato race by every good Japanese that we can solve the anti-Japanese, nay, the American-Japanese problem.

"FOR THE NEXT TEN, TWENTY, FIFTY OR ONE HUNDRED YEARS, BEGET! BEGET!"

"Children, boys and girls, will be treasures more valuable to your countrymen than hundreds of millions of gold. And at the same time they are the supreme treasures for the development of our race."

A quotation from a Japanese language newspaper, identity not given, read into the record of the Congressional investigation of 1920, says:

"We must send for wives. We must raise as many children in America as possible, so that we shall acquire a stability and strength which no amount of anti-Japanese agitation can shake. Land can be had by legal evasion of the spirit of the laws. But without children to inherit, what hope for the future of Yamato-America?"

"LAND, BROAD ACRES SETTLED THICK WITH MIKADO'S SUBJECTS, CHILDREN TO INHERIT THE LAND, MOTHERS TO BRING FORTH THE CHILDREN."

Protesting against the suppression of photograph marriages the Osaka "Mainichi Shimbun" quoted in the San Francisco "Nichi-Bei" of January 17, 1920, says:

"The annual migration of women to America by photograph marriages numbers more than 1,000. At the present time the single prefecture of Hiroshima has 44,155 of its people residing in America. Of these 15,592, not more than one-third, are women. Yet our government, ignoring or glossing over these facts, dares to suppress photograph marriages in a cowardly truckling to America, injuring the national dignity, and adopting an expedient of suicidal repression of our overseas development."

The use which the Japanese hope to make of the voting power vested in the thousands of American-born children of their race who are now rapidly approaching 21 years of age is a matter of grave concern. Before quoting the Japanese on this point a short extract will be given from a letter to the Portland, Oregon "Northman" by Miss Francis Hewitt, recently returned from Japan, where she had spent six years teaching English to Japanese school children. Referring to the misinformation relative to the Japanese purposes conveyed by the missionaries who dare not write anything displeasing to the Japanese censors of their letters, and by tourists and notables who go to Japan on

trade or other commissions and are so entertained "that they seem to lose all sense of sane observation," Miss Hewitt says:

"They do not learn that every girl is thoroughly drilled in the doctrine that should she become a 'picture bride' in America or an immigrant to other lands her loyal duty to her Emperor is to have as many children as possible, **so that the foreigners' land may in time become a possession of Japan through the expressed will of the people.**"

The "Nichi-Bei" of San Francisco, in an editorial translated in the Seattle Post-Intelligencer of July 4, 1922, comments enthusiastically upon the voting power of the 40,000 American-born Japanese in California, not to mention that of the 49,000 in Hawaii and the other thousands scattered along the Pacific Coast, and still other thousands who are being born each year. This editorial indicates the means whereby the Japanese, as stated in the editorial herein quoted from the "Shin Sekai," expect that "the real strength of the Japanese will make a clean sweep of all laws." It argues:

"If the Japanese now here settle down where they are, and the number of American-born Japanese grows gradually, it may be presumed that in the next ten or twenty years the number of second generation Japanese in this state, who will have the right to vote, will reach a large figure. Then will the political influence of the native-born Japanese be recognized; then will probably come the time when the attitude of the American-born Japanese will decide the course of an election. Even 5,000 voters among the Japanese five years hence will be able to accomplish a great deal. But with twenty or thirty thousand of them—then a great change will have come in the situation of the California Japanese. At any rate, no person with political aspirations will be able to ignore the voters of Japanese descent."

Anticipating the possibility of the denial of suffrage to American-born Japanese whose births have been registered in Japan as required of Japanese subjects, the Japanese "Sacramento Daily News" suggests the discontinuance of the practice of sending such birth notices to Japan, saying:

"Hereafter the omission of the notice to Japan is just the way for Japanese subjects, by securing American citizenship, to lay the foundation of a great development. **And another day, when the opportunity comes for them to reinforce the Japanese residents in America who**

have no citizenship rights, they must, on behalf of His Majesty, the Emperor of Japan, become the loyal protectors of the race. Even though they are not registered in Japan, if they return to Japan and have documentary evidence that their parents are Japanese they can register at any time."

Efforts at Resistance By Legislatures and People of the Western States.

In 1913 California enacted its first "alien land law" aimed at preventing the holding of farm lands by Japanese. The Japanese found so many ways of evading this law that a more stringent law was passed in 1920. Following this the legislatures of Washington, Nebraska, Texas and Arizona enacted similar laws, and the legislatures of Colorado, Nevada and New Mexico passed constitutional amendments paving the way for laws of like character. The State of Delaware, threatened with Japanese from New York, passed a law similar to those of the western states.

Demonstrations by residents of various localities have not been infrequent. Particularly noteworthy was the deportation from Turlock, California, on the night of July 19, 1921, of 68 Japanese melon pickers by Americans whom they had displaced. Signs over the roads have at different times warned Japanese away. One at Rose Hill, California, read:

"JAPS: DON'T LET THE SUN SET ON YOU HERE. KEEP MOVING! THIS IS ROSE HILL."

Another at Livingston, California, stated:

"NO JAPANESE WANTED HERE."

At Harlingen, Texas, two Japanese families, the vanguard of a migration from California resulting from the passage of the California alien land law, were met at the train on January 7, 1921, by a committee of American Legion men, who arranged for the return of the Japanese to California, though offering to secure a refund of the money which they had paid for the land on which they expected to settle.

In central Oregon five American Legion posts took concerted action which defeated a project of George Shima, the California "potato king," to colonize with Japanese the Ochoco irrigated region which had been selected for soldier settlement. The action of the veterans of the

Yakima Indian reservation of Washington has already been related.

On September 19, 1922, the citizens of the White Bluffs-Hanford irrigation project in central Washington, many of them American Legion men, adopted the following resolution:

"Resolved, that the citizens of this valley will oppose and positively will not tolerate the immigration of Japanese now, or at any time in the future, and will resort to all known means to prevent such immigration. Further, the citizens will resent to the utmost any negotiations on the part of any land owner of this district with Japanese or their agents."

National Legislation.

During the debates on the act of Congress of February 5, 1917, which created the Asiatic Barred Zone, an attempt was made without success to have the zone so drawn as to include Japan. The temporary immigration law of May 19, 1921, limiting immigration for one year to 3 per cent of the members of any nationality as shown by the 1910 census, was so drawn as to omit Japan from its effect and leave immigration from that country subject to the "gentlemen's agreement." During the winter of 1921-1922 hearings were had in the House Committee on Immigration over the amendment of the temporary law, and an attempt was made to have inserted in it a provision for the exclusion of Japanese under the designation of "persons ineligible to citizenship," but the Committee not wishing to precipitate a debate so soon after the signing of the 4-power treaty, introduced a resolution which was adopted in both houses extending the 3 per cent law for two years, or to July 1, 1924.

On June 26, 1922, Congressman Albert Johnson of Washington, Chairman of the House Committee on Investigation, introduced a bill providing for Japanese exclusion under a clause providing that all aliens permitted to land with the intention of remaining permanently "must be eligible for American citizenship." No hearings have yet been had on this bill but it will probably be the subject of extended debate at the coming session of Congress.

Action By the National Government.

The present national administration, for the

first time since that of President Roosevelt, seems disposed to treat the Japanese situation seriously. The attitude of the administration has been indicated in the action heretofore mentioned which was taken by Hon. Albert B. Fall, Secretary of the Interior, in ordering the discontinuance of leases to Japanese on the Yakima Indian reservation in the State of Washington. The sincerity of Secretary Fall's determination to rid the reservation of Japanese was further attested by a ruling on October 5, 1922, discountenancing the evasion of his former ruling through the device, which has been commonly employed in evading the alien land laws, of putting Japanese on land held by American lessees under contracts to share in the profits. Secretary Fall's instruction to the Indian agent was that "all persons employing aliens will be regarded as undesirable lessees and their leases will not be renewed." This committee is of the opinion that Secretary Fall is entitled to the gratitude and commendation of the American Legion for the staunch support which he has given our comrades of the State of Washington in their determination to save their state for the American people.

The purpose of the National Oriental Committee has been to investigate and report. It is hoped that members of the Committee who are able to attend the Convention at New Orleans will find it possible to meet and make recommendations to the Convention. Recommendations as to policy are not necessary for the reason that every National Convention of the Legion has gone on record on the question, as has practically every western state convention. In the preparation of the statistics and data that have gone into this report credit should be given Comrade Philip Tindall of Seattle, a Legion man who has given as much time, thought and energy to this problem as any other person in the country.

Committee Activities.

In February 1922, the Commissioner of Immigration issued an order directing that the entire personnel be furloughed for the total of one month during the balance of the fiscal year, to-

wit, from March 1st, to June 30, 1922. Had this been carried out the immigration service for that period would have been cut down one-half for that period. Because of the long stretches of coast in the west now covered by only a few men your committee protested this move. Fortunately the Department did not carry it out as planned.

California.

Comrade Seth Millington, of Colusa, California, the member of the Oriental Committee from that state, states that his chief activity has been through the Anti-Japanese Association of California. They have raised considerable money for educational propaganda among eastern people. His observation in California is that the agreement of the Japanese government to stop the importation of the so-called "picture brides" has done no good as it has only had the effect of forcing Japanese to return to Japan and bring wives out with them. The United States District Court, Northern District of California, has decided that a cropping contract is legal, and not in conflict with the Anti-Alien Land Law of California. The Supreme Court of California has decided that the clauses in the Anti-Alien Land Law prohibiting an alien father from acting as the guardian of his own children is unconstitutional. Comrade Millington states that the next session of the California Legislature will be asked to frame an act that will be bullet proof.

Utah.

Comrade D. T. Lane, of Salt Lake City, member of the Committee from Utah, reports that the Oriental situation in that state is not so serious as in some other places. There are a number of Chinese engaged in small truck farming, but as yet they have kept to themselves and not aroused antipathy. Comrade Lane states that there are a large number of Japanese in Utah, most of them as yet occupied as industrial laborers rather than as agriculturalists. A "Japanese Association of America" headquarters is maintained in Salt Lake City. The Legislature of Utah has considered an Anti-Alien Land holding Law similar to that in California, but has not passed one yet.

Idaho.

Comrade Lester S. Albert, Department Adjutant of Idaho, reporting for Comrade Leo F. Bracken, Idaho member of the committee, states that up until recently Idaho has not had much to do with the Oriental situation. A few years ago they had no Japanese and only a few Chinese truck farmers. That situation now, however, is changing and they see among the farmers many Japanese that have sprung up in different portions of the country like mushrooms. The Department of Idaho realizes the seriousness of the situation and has taken steps to meet it. A bill to prohibit land ownership by the Japanese is being prepared for presentation to the next Legislature. The Idaho State Grange has assured the Legion of its support in this move and Comrade Albert is of the opinion that they have the support of every good citizen of Idaho. In the Appendix hereto will be found a resolution passed by the State Convention of the Legion of Idaho this year.

Oregon.

Comrade George R. Wilbur of Hood River, Oregon, member of the Committee from that state, reports several attempts at colonization there. These have been covered in other parts of this report. In every instance, however, aggressive action of Legion posts in the vicinity headed the Japanese off. An initiative act to prevent the alien ownership of land was prepared in Oregon but on account of delay not enough signatures were obtained to get it on the ballot. The Legion in Oregon plans to request such an act from the next session of the Legislature.

Washington.

In the State of Washington the seriousness of the Japanese problem ranks next to California. Legionnaires in Washington, however, are alive to the danger. Through the efforts of the Legion a strong Anti-Alien Land Law was passed by the 1921 session of the Legislature, and has been held constitutional. Posts of the Legion in sections of the state where Japs have attempted colonization have met them by prompt vigorous action. In the Appendix will be found a memor-

lial passed by the 1921 State Convention and other resolutions by posts.

Summary.

Two unfortunate features of the Japanese problem render intelligent and effective work difficult. First, many persons of conservative tendencies are kept from giving the subject such consideration as they otherwise would by the vigor and oftentimes sensationalism with which it is put forward by the opponents of the Japanese, and the feeling that in some cases the activities of those proclaiming against the Japanese are prompted by selfish motives. The second feature is that many of our eastern friends fail to have sympathy with citizens of the western states affected, because as they say the people of the west created the problem themselves. It is true that originally Japanese were brought in by railroads and other large employers in order to obtain cheap labor. It is also true that now some American business interests are opposed to any anti-Japanese agitation for fear of the effect it will have on their business. Why, however, should we permit the selfish acts of a few to prevent us from giving proper consideration to such a far-reaching problem?

Particular attention is called to the discussion of the question of intermarriage. An attempt at a solution of this would be the passage of laws prohibiting such intermarriage. Arbitrary deportation is impossible as it would violate our American sense of justice.

The Japanese government should join with the United States in a spirit of co-operation in the solution of this problem. Its settlement is to the interest of both countries. To permit further influx of Japanese onto the Pacific Coast means serious trouble later when the economic pressure of the two races gets too strong. In the Appendix, in a Memorial from the State Convention of the Legion of Washington to the President and Congress will be found a practical suggestion as to how friendly co-operation might be obtained.

Those resolute persons who have been pressing the Japanese question the last few years deserve much credit. While no federal exclusion act has been passed they have convinced the

Japanese people that a large body of American citizenship is uncompromising on the question. They must realize that they cannot absorb the Pacific Coast unmolested. When they are thoroughly convinced of this it is to be hoped that they will of their own accord cease to push themselves in, and that they will not care to remain scattered and few in numbers. Perhaps the falling off in the numbers of immigrants since 1919 may be construed as the beginning of such a move. However, we may be certain of a renewed increase in immigration should there be any relaxation in our resistance.

Past National Conventions of the Legion have gone on record in favor of exclusion and have indicated support of anti-alien land-holding laws. No further resolutions are needed. We have not, however, had enough action in support of our expressions of policy. We should press the passage of the bill now before Congress, introduced June 26, 1922, by Congressman Albert Johnson of Washington, Chairman of the House Committee on Immigration. This act provides for the complete exclusion of Japanese under a clause requiring that all aliens permitted to land with the intention of remaining permanently "must be eligible for American citizenship." Exclusion on the same basis should be secured for the Hawaiian Islands. Likewise, we should support, whenever they are up for consideration, anti-alien land-holding laws along the lines of the California law. The American Legion could be of no greater service to the country than by securing the passage without delay of this class of laws.

NATIONAL ORIENTAL COMMITTEE,
AMERICAN LEGION.

Thomas N. Swale, Chairman, Washington;
Seth Millington, California;
Geo. R. Wilbur, Oregon;
Leo Bracken, Idaho;
D. T. Lane, Utah.

